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PROCEEDINGS OF THE THIRTY-FIFTH ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES TORONTO, CANADA, JUNE 26-JUNE 29, 1940

WEDNESDAY MORNING SESSION

June 26, 1940

The opening session of the Thirty-fifth Annual Meeting of the American Association of Law Libraries, held at Toronto, Canada, June 26-29, 1940, convened in Osgoode Hall at ten-fifteen o'clock, Arthur S. Beardsley, law librarian of the University of Washington, and President of the Association, presiding.

PRESIDENT BEARDSLEY: Ladies and Gentlemen, it is certainly a great pleasure to call to order this Thirty-fifth Annual Meeting of the American Association of Law Libraries.

It is also a great pleasure to have with us a very distinguished guest who has so kindly and so graciously given of his time to address us. At this moment, then, I have the honor of presenting to you the Honorable R. S. Robertson, Chief Justice of the Province of Ontario. [Applause.]

ADDRESS OF WELCOME

THE HONORABLE R. S. ROBERTSON

Chief Justice, Province of Ontario

Mr. President, Ladies and Gentlemen, it is a great pleasure to welcome to Toronto and to Osgoode Hall the members of the American Association of Law Libraries. We are highly honored indeed to have you at the City of Toronto and at Osgoode Hall for your annual meeting.

No one knows the value of the good librarian so well as those whose daily business requires them to use a large library. When the books that are kept there are, as it were, the tools of a man's labor, his weapons, his shield and sword—and perhaps one ought to say sometimes his hand grenade, or something more of that type as one views it from the bench—it is such persons alone who know how much a librarian can do in placing at one's elbow the right book or finding the elusive reference at the right time.

When it was first proposed to me that I should perform the pleasant duty

of giving you an address of welcome, one naturally reflected a little on the occupation of a librarian; the sort of existence he carried on. It did seem to me that perhaps I was reflecting somewhat in an abstract way; it did seem to me that it was a most peaceful, quiet and happy existence, with little to trouble one. To live among books that one knows; books that are well bound, well kept; books that you may open at will and, differently from your human associates, you may shut up at will; to lead such a life as that seemed to me to be entirely happy and carefree.

But one does not long continue to think in the abstract and I began to reflect a little more in a realistic way. I suddenly remembered that there were such things always as library committees. I do not know what your experience has been, but the experience of some of us, I am quite sure—and, of course, I am not speaking of the law librarian of Toronto or the committee that has control of the library—is that library committees are like one of the plagues of Egypt at times.

How many well thought out schemes of improvement have been blasted by the library committee! How many well thought out ways of spending the usually rather meager allowances for additions to a library have been blown to the wind by somebody's desire to have some particular thing that he liked or that he was to find useful in his practice! I have sat on committees of that kind, and I have sometimes observed the look of something approaching anguish that passed over the face of the librarian when some scheme of his was discarded with very little consideration or discussion.

Then you have another problem. It is necessary in a library—a law library, in any event, if it is a public one—that there should be students who have access to it, and no matter how honest a man may be in his ordinary way of life, there seems to be a common idea that there is no such thing as property in books and they have a way of disappearing. They ought to train some particular kind of police dog, I think, to watch law libraries and trace the books! I know of no other way of keeping them on the shelves where they belong. Then, if they do not take the books away, they mark them up. The lawyer who is going to read a certain passage when he gets to court seems to be able to express his views better if he puts a mark in your book.

These are perhaps some of the minor troubles that you have, but I cannot help thinking, after all, that probably at a meeting of this kind you may properly discuss some measures for self-protection—some way of educating the people that you have to deal with in behaving in a more humane and intelligent manner.

Speaking a little more seriously of the duties of a librarian, may I read just a few words from an article published in the June *Atlantic Monthly*. It is a quotation from something said by a friend of John Milton a long time ago and the language is rather archaic, but with the sentiment, I think, you will agree:

"The end of that Imploiment, (that is, of a librarian) in my conception, is to keep the publick stock of Learning, which is in Books and MSS, to increase it, and to propose it to others in the waie which may bee most useful unto all. His work

then is to be a Factor and Trader for helps to learning, and a Treasurer to keep them, and a Dispenser to apply them to use or to see them well used, or at least not abused."

There is a great deal said there in a very short space as to the multiplicity of useful work that a librarian may engage in and perform to the advantage of his library and to those who are concerned in it.

The library we have here is of somewhat long standing, as such things go on this side of the Atlantic. The library contains, of course, many old books, but that has nothing to do with its age. Perhaps one indication of the age of this library is that we have on our shelves *The Times* of London, England, complete from the year 1805. We have, however, perhaps a different sort of collection of law books from the kind that you who come from the other side of the line have been accustomed to seeing.

Let me say to you first that we have just lately reorganized the whole library. The accommodations have been somewhat extended and somewhat improved, which has resulted in the shelving of the books in a much better way, no doubt, than before, but in a manner that is just a little disturbing to those of us who for a great many years have been used to finding books without really looking for them. You will find, then, a library that in some of its aspects has been quite modernized.

But I was going to say something that may be of interest to you as to our books. We have here, of course, Canadian reports of cases and Canadian textbooks—the latter not very numerous because it is not a profitable occupation in Canada to write a law book. The purchasers are rather too few and far between. The library contains the English Reports which are in constant use among us. They are used as much as our Canadian Reports, if not more. It also contains English textbooks, which are certainly used more and are ordinarily better than our textbooks.

We do have a room that is called the American Library, in which we have the reports of, I think, all of the States of the Union—perhaps not all of the reports but the important reports from there—and we have, of course, important textbooks.

A matter that may be of interest to you in that connection is this: That while we have these reports, the American Library is very little used among us, and one would wonder why. I think the answer to the "why" is quite a simple one: That we do not know how to use them. We are not accustomed to them. We do not know where to look for what we want. It has got to be rather a saying among us that if you are diligent enough you can find in the American reports a decision any way on any matter.

I am quite sure it would be of advantage to us if we knew better and used more the reports from the United States. Those of us who were engaged to any considerable extent in the practice of law soon learned the quality of the American Bar. We know well the ability and learning that is widespread throughout the judiciary in the United States. If more easily found, more familiar to us, we would undoubtedly find in those reports a great deal to help us.

The restatements of the law of your American Law Institute promise to be a great work and ones that will be much resorted to.

You will no doubt find other things of interest in our library and in our Law Society as you learn, perhaps, how it is organized and what its nature is. A very prominent American educationalist on a recent visit here was inquiring something of the admission of lawyers, and the education of lawyers. I explained to him the system we have and he remarked: "But that is all wrong!" Well, I assured him that it worked very well and nobody had yet discovered that it was all wrong. You may be interested as you are here in finding out something of that.

I desire to conclude by again extending a welcome to you, expressing the pleasure of all of us that you are among us, and the wish that you may have a successful meeting and that your visit with us may be a happy and enjoyable memory. [Applause.]

PRESIDENT BEARDSLEY: Thank you, Mr. Chief Justice, and may I for myself personally thank you for your very interesting remarks, leaving to our President-elect, Mr. Lewis Morse, the privilege of responding officially for the Association.

RESPONSE TO THE ADDRESS OF WELCOME

LEWIS W. MORSE

Law Librarian, Cornell University

Mr. Chief Justice, and Ladies and Gentlemen, I am sure it is a pleasure, on behalf of the Association, to reply to your hearty welcome. This happens to be my first trip to Toronto, and I know the first visit of a number of our Association members, and we have looked forward to this meeting with great pleasure.

I for one have heard a good deal of the Law Society of Upper Canada, Osgoode Hall, and the famous Library. I certainly have looked forward to this privilege of living here, so to speak, for this week.

I can easily see that the Society is well blessed with friends. The Chief Justice appears to have a very good knowledge of the problems of the Library, and certainly, if the other members of the Court display such a knowledge as he, I am sure that the Library will have many years of progress ahead.

You speak of the American reports being complicated. We find that to be a fact ourselves. In New York State I know it is common knowledge that we have one set of reports in which they say that you can find decisions on either side of the case in the one set of reports. Perhaps that is a convenience which you do not have over here in Canada.

The Canadian reports and also your legal periodicals are used a good deal and form a very important part of our library.

I have examined our program and find that we have a number of treasures in store for us during the remainder of the week. In behalf of the Association, I wish to thank you sincerely for your Committee on Arrangements who have

planned such a fine list of activities for our convention. We know that it will be very profitable. We look forward to our visit to your building here and toward the remaining days of this week. Thank you. [Applause.]

PRESIDENT BEARDSLEY: We are also very happy to have on the platform this morning another very distinguished guest who is going to speak to us later on in the week. Just at this moment I would like to introduce to you Mr. McCarthy, King's Counsel, one of the outstanding members of the Canadian Bar. [Applause as Mr. McCarthy acknowledged the introduction.]

Sitting next to Mr. McCarthy is Mr. Johnston, the very eminent librarian of the Law Society of Upper Canada. We will get acquainted with him, I am sure, before the week is over.

At this time comes the custom for the President to present some sort of report. If you do not mind, I will read it.

REPORT OF THE PRESIDENT

Progressive Library Service

ARTHUR S. BEARDSLEY

Law Librarian, University of Washington

It has been my privilege to serve as President of this Association for the past year. I need not tell you that I have deeply appreciated the honor which you conferred upon me nor have I been unmindful of the responsibility which your confidence entrusted to me. The task is not an easy one, notwithstanding the able cooperation of our Secretary and of our Executive Committee. It involves much thought and planning; it requires hours of serious contemplation. I hope I have not entirely failed, yet I would not dare to hope that I had entirely succeeded. If, in the years ahead, we achieve success in the tasks envisioned during the years just passed and can bring to fruition the plans now hoped for, those years indeed will become noteworthy in the progress of library service. The success of our constructive program, which is so vital to our professional attainment, will then testify to the vision and energy of those who have preceded me.

You will recall that at the conference in San Francisco the Report of the Special Committee on Education for Law Librarianship was approved by this Association. It provided for immediate and serious consideration of the often-times reported on, discussed, and talked about Law Library Manual. The Association directed its Executive Committee to consider this matter at its mid-winter meeting and to report back to the Association at this meeting. I am happy to say that the Executive Committee heartily approved the plans of the Law Library Manual Committee, and from the report of its chairman you will be pleased to learn that definite progress has been made. If this report be accepted and this project sent safely on its way, we can mark down an important step on our chart of professional progress.

In the Report of the Special Committee on Classification and Pay Plans, you will hear of the progress which has been made during the past year in this direction. Necessarily this development will be slow, for we cannot move otherwise if we are to make sound advancement. Furthermore, the approach is a technical one, which must follow a course of thorough scientific study. Fortunately, the American Library Association has made some preliminary studies in this field and is still actively engaged in the work. At the recent meeting of the A.L.A. in Cincinnati a special conference on the problem was held, and it was the opinion of our Executive Committee that Miss Elliott, chairman of our committee on this study, should be in attendance there. Accordingly, she was sent to sit with the corresponding committee of the A.L.A. Doubtless, she will report to you on her trip. While most of the law school librarians will be only too willing to accept whatever prestige that may follow the adoption of such classification and pay plans, few are attracted by the wholly statistical character of the committee's duties. They are not to be blamed for this reluctance, because to most people such studies are dull and uninteresting. I am happy to say that in the chairman of our special committee we have an indefatigable worker and a conscientious booster of classification and pay plans. The character of the work fascinates her, and in this regard I feel that we might well congratulate ourselves. Due to the numerous complicating factors, progress will be slow, but in due time we will conquer the task. Hence, if you approve her report and authorize the committee to continue, I confidently feel that we will have undertaken another step forward.

In the original set-up of the Committee on Classification and Pay Plans, this committee also was charged with the duty of setting up professional standards, particularly with respect to the definition of a "qualified librarian." The request for such a definition had come to us from the A.A.L.S. Since its application must of necessity be the immediate concern of the administrative heads of the law schools, it was deemed appropriate to divide the work of the Committee on Classification and Pay Plans and to transfer to the newly created Joint Committee on Cooperation with the A.A.L.S. that part of its former committee's function which dealt with the standards of professional training. This action was in accordance with resolutions adopted at the mid-winter meetings of both the A.A.L.S. and the A.A.L.L. Professor Roalfe is the chairman of this joint committee, and his selection is the more fortunate from the standpoint of this Association now that Professor Shepherd, the Executive Secretary and President-elect of the A.A.L.S., has joined the faculty of the Duke University Law School. A closer cooperation with the A.A.L.S. along these lines now becomes more possible. Knowing Professor Shepherd personally as well as I do, I can vouchsafe for our program a sympathetic and wholesome progress.

The joint progress of the Committee on Classification and Pay Plans and the Joint Committee on Cooperation between the A.A.L.S. and the A.A.L.L. ought to bring to our profession, on the one hand, a more efficient and better trained personnel, and, on the other, a higher wage scale. We agree that there is need to raise the salaries of law librarians. Most of them are paid too little, but

in order to justify this we must raise our own professional standards and qualifications. Hence these two committees must work side by side, each supplementing the work of the other. Again we have been fortunate in the fact that the chairmen of these two committees reside but a few miles apart.

I would particularly recommend to the Joint Committee on Cooperation with the A.A.L.S. that it study the value of the attendance of law librarians at the annual conferences of our Association and endeavor to "sell" to the law schools the necessity of such attendance. The attendance of every law school librarian at the law library conference ought to be as important to the law school as the attendance of the members of its law faculty is at the meetings of the A.A.L.S. These librarians should be here and they should have such financial assistance from their schools as would enable them to come.

Doubtless, all of you have seen the *Chronicles of Kent*, the library bulletin which recently made its auspicious debut at Columbia University Law Library under the supervision of Professor Price. One of its valuable features is the column edited by our able member, Miss Margaret Hall. You will recall that it endeavors to index the legal material appearing in a limited number of non-legal periodicals. This is the beginning of a service which should have been undertaken long ago. No attempt is made to make this index complete for all such legal material printed in non-legal periodicals, but it makes us wonder why a program could not be worked out to index the legal material contained in the periodicals now indexed in the Reader's Guide, International, Industrial Arts, and other indexes. A similar list prepared by Miss Hall appeared in the March 1940 issue of the *LAW LIBRARY JOURNAL*. Perhaps it is asking too much under present conditions to publish the same in the *INDEX TO LEGAL PERIODICALS*, but it might become a permanent feature of the *LAW LIBRARY JOURNAL*. I am certain that at different times the officers of this Association have given this plan some consideration, but it would now seem desirable, in view of the growing importance of the social science materials in the law, that a more serious effort be made to widen the scope of our indexes of legal literature. It is my hope that the step which has begun in a limited manner will develop into a regular and permanent feature of our *JOURNAL* and I recommend to the Committee on the *LAW LIBRARY JOURNAL* a study of this service.

Some attempts have been made to catalog the duplicates within our stacks and to work out a plan of exchange. Thus far, for one reason or another, the scheme has not been particularly successful. It started under the initiative of Mr. Thomas Dabagh at the University of California Law Library and now is being conducted by Miss Eunice Cox of Washington University Law Library at St. Louis. While some progress has been made and some of us have taken advantage of its services, it would be quite appropriate for this Association to undertake the sponsorship of this project and get behind it. If we would do so, I believe it could be made into a useful and valuable service. All libraries have many duplicates which would be welcome to other libraries. Doesn't it seem reasonable that we ought to be able to devise an economical and practical plan of exchange? I recommend that the Association get behind this program and,

through a special committee, undertake a systematic study of this problem during the next year.

Another matter which has not, as yet, been successfully studied is the plan to photostat or micro-film odd issues or volumes of scarce periodical sets. Most of us have in our libraries broken sets of periodicals, lacking perhaps a few issues or even a few volumes. Some of us have already experimented with the plan of photostating or filming and enlarging of certain periodical issues and have thereby completed a few of our sets. What we have done for ourselves, jointly or severally, could equally be done for the group. I am confident that the plan is feasible and is worth thinking about. If this proves successful, as time goes on, the scope of this cooperative service might even be broadened to include small volumes of sessions laws. I therefore recommend that the Association make a study of this task during the next year.

You will recall that at the San Francisco meeting the Association adopted some constitutional changes which provided for the authorization of regional chapters of law library associations. Several of these groups have been formed, and one has already petitioned for a charter from this Association. From my observation I regard the plan as having favorable possibilities. It would appear that already this Association has gained in membership through the activities of these local groups, and I am happy to be able to report that their existence seems to offer hope of strengthening our membership. It is to be hoped that further organization of regional groups and chapters will be encouraged.

The mid-winter meeting of the Executive Committee is annually assuming greater importance. It affords an excellent opportunity for the consideration of problems that require more thoughtful planning and deliberation. In other words, what heretofore has been a meeting of the Executive Committee only appears to be developing into a mid-winter conference of the Association, similar to that of the American Library Association. I believe this development is a natural one and should be encouraged. I also believe that in view of this change, and for other reasons, the Committee on Planning should give serious thought to a suggestion which recently has come to me, namely, that we provide for biennial rather than annual sessions of the entire membership, and for mid-winter sessions on a smaller scale for the transaction of the more formal business policies. I cannot but feel that this suggestion has merit. I know how hard it seems to be to work up an interesting and constructive program without undue repetition of ideas. I am also convinced that we have too many reports which, if they cannot be eliminated, might be more appropriately considered at the mid-winter meeting. Annual meetings come too often for many to hope to attend, and some have to travel much too far to attend regularly. What is more significant to me is the feeling that we have almost run out of ideas for programs. Our organization is still small and could function better, in my opinion, on a biennial rather than an annual basis. My recommendation is, therefore, that the Committee on Planning study this problem and report to the next meeting of the Executive Committee in Chicago this coming December.

At the same time, I recommend to the Committee on Planning that it make

a study of the committee structure of our Association. For years we have been adding to the number of reports until today some of them overlap in theory if not in fact. I believe certain of these committees might very well be eliminated and more of the work taken over by the Executive Committee. Some of the reports submitted are perfunctory, and frequently they are drafted but a short time before the meeting of the Association, and it is known that occasionally one is not prepared until after the Association has actually convened. Certain of our committees are of vital significance, whose reports deserve the most careful consideration, something which they do not get under the present set-up. I am convinced also that, with few exceptions, these annual reports could be submitted to better advantage at the mid-winter conference, leaving the formal papers for the annual meetings, which, as I have said before, I believe should be held biennially.

At the meeting in Chicago last December, the Executive Committee considered a number of important matters. Several of these matters have been touched upon in the *LAW LIBRARY JOURNAL*; others have not. Among these is the new policy of placing the *LAW LIBRARY JOURNAL* on an annual budget basis. Another is the creation of the position of Assistant Editor of the *LAW LIBRARY JOURNAL*, with the special duty of trying to increase the revenue of the *JOURNAL* through the medium of advertising. I am sure Miss Newman will report on the success of these policies, so I need not dwell upon them further.

I have, however, come to the conclusion that there is need for some publicity work on the part of this Association. We need to get more news notes and feature write-ups in the *American Bar Association Journal*, the *American Law School Review*, the *American Library Association Bulletin*, and other similar journals. During the past year hardly a word has appeared in any of the above journals relative to our Association. Probably this has been largely our fault, but if we are doing things we should tell the related organizations about them. Should we not endeavor to advertise our Association? We ought, so to speak, to put ourselves on the map. The arguments in favor of this are numerous; you can enumerate them as well as I.

You will hear from the report of the Planning Committee that it recommends the creation of a Committee on Promotion to deal with the problem of securing a greater sale and distribution of the *LAW LIBRARY JOURNAL* and the *INDEX TO LEGAL PERIODICALS*. This matter was discussed at the last mid-winter meeting, and the Planning Committee's recommendation is the result of the discussion at that meeting. This same committee might well be broadened in its scope and character and given the additional duty of publicity for this Association. The ideas represented by the report of the Planning Committee and myself integrate very nicely, and accordingly it is my recommendation that a standing Committee on Public Relations be created to carry out the ideas contained in this and the Planning Committee's reports.

The Executive Committee, at its meeting in Chicago, as you have already been informed through the *LAW LIBRARY JOURNAL*, authorized the appointment

of a new Special Committee on Legislation affecting Law Libraries. The chairman of this committee is Mr. Joseph F. Gaghan. His report will be helpful and informative. The work of this committee bids well to become of outstanding importance and significance to this Association.

Some progress has been made in securing new members, and I am happy that the Report of the Membership Committee shows a substantial list of additions to our membership. Mr. Peter Hern, of the Association of the Bar of the City of New York, is chairman of this committee and has done splendid work, embodying the enthusiasm and energy so essential to the chairman of a membership committee. We are to be congratulated on having had the assistance of such an able chairman.

We are fortunate also that the chairman of the Joint Committee on Cooperation with the American Library Association is also a member of our Association. Mr. Arthur McDaniel's report will be welcomed by all of us. He has continued to do a good piece of work, moving slowly, quietly and safely. Both his report and the report of the Membership Committee have already appeared in the May number of the LAW LIBRARY JOURNAL.

We are particularly pleased to have with us a number of guests and some new members, most of whom have never before attended our meetings. We certainly bid them welcome and hope that they will quickly acquire the habit of attending regularly. Especially are we happy to have with us representatives of law publishing companies and law book dealers. They will find, I believe, that as an organization we are very close to each other. Our group is not large, but it is united. We work together enthusiastically and cooperatively. We are sympathetic to each other's needs. They will be all the more welcome because of this. I hope they will make themselves at home and join the family circle.

In conclusion, I wish you to know how deeply I have appreciated the splendid cooperation of the officers and members of the Association. We have a fine *esprit de corps* which should be encouraged. We should never permit any petty disagreement to mar or harm it. Everybody has been so willing and so helpful. Only as President can one fully appreciate the sentiment which prompts a member to write and offer to serve the Association in any capacity in which the President may feel him qualified to act. I know of several good boosters among our membership. I know how they have, of their own volition, inspired with a desire to see a large attendance at this meeting, written numerous letters to law librarians, members and non-members alike, urging them to be here. This is the kind of spirit that counts. If we can keep alive and active such a spirit of personal obligation for the success of our professional objectives, our organization should become an even more effective influence in law library service. [Applause.]

PRESIDENT BEARDSLEY: Now, Miss Newman, would you like to give your report at this time? [Applause.]

SECRETARY NEWMAN: Mr. Chief Justice and Mr. President, I note on the program that at eleven-thirty we are scheduled to visit the libraries in this very interesting and historic building. My report is fourteen pages long. I will,

therefore, comment briefly on several matters which I think may be of particular interest to you.

[Miss Newman then gave a summary of her report, the full text of which is printed below.]

REPORT OF THE EXECUTIVE SECRETARY AND EDITOR OF THE LAW LIBRARY JOURNAL

HELEN NEWMAN

Law Librarian, The George Washington University

1. MID-WINTER MEETING OF THE EXECUTIVE COMMITTEE.

The mid-winter meeting of the Executive Committee was held at the Congress Hotel, Chicago, Illinois, December 28-29, 1939. Included in the matters discussed and voted upon were these:

1. Approval of the following resolution submitted by Mr. William R. Roalfe: "Resolved that the Executive Committee of the American Association of Law Libraries request the Association of American Law Schools to authorize its Executive Committee to appoint one or more members to participate with us in pursuing the study of Classification and Pay Plans for Law School Libraries." (This resolution, together with Mr. Roalfe's report as chairman of the Committee to Cooperate with the American Association of Law Libraries, was adopted by the Association of American Law Schools at its fourth general session on Saturday morning, December 30, at the Palmer House. It should also be recorded that the Council of the Round Table on Library Problems for 1940, at its luncheon meeting on Thursday, December 28, following a talk by Mr. Roalfe, unanimously agreed to schedule as the principal topic for discussion at the 1940 Round Table the "Value of Classification and Pay Plans for Law School Libraries.")

2. Adoption of a motion to refer Part I of Miss Elliott's report (see 32 L. LIB. J. 365), dealing with educational qualifications of law school librarians, to the new Joint Committee on Cooperation between the Association of American Law Schools and the American Association of Law Libraries. (This committee, recommended in Miss Elliott's report and in Mr. Roalfe's report adopted by the A.A.L.S. at its general session on December 30, 1939, takes the place of the two separate cooperating committees.) William R. Roalfe, chairman of this new joint committee, will report to you at this annual meeting.

3. Approval of the suggestion made by Alfred Morrison that the list of law libraries, formerly published in the Standard Legal Directory (the Directory suspended publication in 1939) be restricted to libraries of 5,000 or more volumes instead of 1,000 or more volumes, except libraries of less than 5,000 volumes which are members of the Association. It was agreed that the list for 1940 be compiled and that upon its completion the Association seek a publisher for the

list. Two offers from publishers, Commerce Clearing House and the Lawyers Directory, have recently been made to the Association.

4. Unanimous agreement by the Executive Committee to recommend to the Association at this annual meeting approval of the application of the Carolina Law Library Association for a chapter in our Association.

5. Approval of the application of Lincoln University (St. Louis) for an institutional membership in the Association.

6. Unanimous adoption of a motion to recommend to the Association at this annual meeting that Archibald MacLeish, Librarian of Congress, be invited to join the Association as an honorary member.

7. Adoption of a motion to appoint an advertising manager for the LAW LIBRARY JOURNAL to further the plan suggested by Lewis Morse that additional funds to support the JOURNAL be obtained through advertising. It was agreed that the title of this new office in the Association be called Assistant Editor in Charge of Advertising, and the Editor was authorized to appoint a member in Washington, D. C., to this position. Accordingly, in January, 1940, Mr. Matthew A. McKavitt, Librarian of the Department of Justice, was appointed. The outstanding success which he has made in this work has already come to your attention through the March and May numbers of the JOURNAL carrying \$377.00 of advertising.

8. Instructions given to the Planning Committee to draw up a budget for the Association, including a revised budget for the LAW LIBRARY JOURNAL. Lewis W. Morse, chairman of the Planning Committee, conferred with your Executive Secretary in Washington in May, at which time the budget for 1940-41 was drawn up. It will be submitted to you as a part of Mr. Morse's report.

2. HEADQUARTERS ACTIVITIES.

An increasing amount of correspondence has been carried on at the headquarters of the Association in the office of the Executive Secretary. In addition to regular correspondence with the officers, committee chairmen, new members, subscribers and contributors to the JOURNAL, the placement service of the Association has been particularly active this year. Applications for law library positions have been received from a number of persons and letters have been exchanged with Deans of several law schools who asked for recommendations from our placement files. At least one appointment has been made as a direct result of this correspondence.

Progress is reported on the Cumulated Table of Cases in vols. 1-18 of the INDEX TO LEGAL PERIODICALS which the Association endorsed as a valuable project at the San Francisco meeting (32 L. LIB. J. 217, 225). All of the cases and citations have now been entered on cards and N.Y.A. students are checking the citations. The work is being done under the direction of the Executive Secretary in the law library of The George Washington University and Alfred Morrison in the law library of the University of Cincinnati. It is estimated that the checking will be completed by the spring of 1941.

3. MEMBERSHIP.

Seventy new members have joined the Association since the last report, June 21, 1939. This figure includes 1 life member, 24 personal individual memberships, 34 by virtue of the institutional membership of their libraries, and 3 new associate members. In addition, 8 libraries have joined the Association as institutional members since the last annual report.

The following tables show the present membership and the net gain over the figures given in the last report

	1939		1940
Life	9		10
Associate	39		40
Institutional	*77		*85
Personal membership	118	135	
By virtue of institution.....	**188	**205	340
	<hr/>	<hr/>	<hr/>
Total	431		475

* Refers to number of libraries.

** Refers to number of persons on staffs of institutional members.

ANALYSIS

Life members:			
Added	1		
Deceased	0	Net gain	1
	<hr/>		
Associate members:			
Added	3		
Dropped	2	Net gain	1
	<hr/>		
Institutional members:			
Library memberships added.....	8		
Library memberships dropped.....	0	Net gain	8
	<hr/>		
Individual members added to institutional member-			
ships:			
Due to changes in staff personnel.....	19		
Due to new institutional memberships.....	15	34	
	<hr/>		
Individual members dropped from institutional mem-			
berships:			
Due to changes in staff personnel.....	13		
Due to transfer to personal membership.....	1		
Deceased	3	17	Net gain 17
	<hr/>		
Personal members:			
New members	23		
Transferred from institutional to personal.....	1	24	
	<hr/>		
Resigned	7	Net gain	17
	<hr/>		
Total Net Gain, 1939-40.....			44

The above analysis of the membership figures shows that, while we have had a substantial gain in new members (70) during the fiscal year 1939-40, our net gain for this period is only 44 members. However, it is encouraging to note that this net gain of 44 exceeds by 12 the net gain reported a year ago. In addition, attention is called to our net gain this year of 34 new individual members and new members by virtue of library institutional memberships as compared with a net gain last year of 25 persons in these classifications. It is also well to note the net gain of 8 institutional memberships as compared with a net gain of 3 last year.

4. LAW LIBRARY JOURNAL.

Since the last report made to the Association on July 5, 1939, the following numbers of the JOURNAL have been published: July 1939 number, 48 pages; September 1939 proceedings number, 215 pages; November 1939 number, 48 pages; January 1940 number, 40 pages; March 1940 number, 44 pages; May 1940 number, 48 pages; making a total of 443 pages as compared with 524 pages contained in the six numbers published during our previous fiscal year.

Special mention is made of the following leading articles and bibliographies included in the numbers of the JOURNAL published during this fiscal year: July 1939 number, *Bibliographical Check List of Publications of the American Law Institute* by Marianna Long; September 1939 number, *Papers and Proceedings of the Panel Discussion on Social Science Material for Law Libraries*; November 1939 number, *Selected List of Books for the Small Law School Library* by Helen S. Moylan, *Anglo-American Legal Periodicals: Births, Deaths and Changes, November 1, 1939, to October 1, 1939, and Foreign Legal Periodicals: Births, Deaths and Changes Since November, 1938*, compiled by Pauline E. Gee; January 1940 number, *A survey of Anglo-American Legal Bibliography* by W. L. Friend, Jr., *New York Session Laws—Facts and Foibles* by Frances D. Lyon; March 1940 number, *Small Claims Courts and Conciliation Tribunals: A Bibliography* by Everett H. Northrop, *Legal Articles in General Periodicals, Fall-Winter, 1939-40* by Margaret Hall; May 1940 number, *We Look at the Law Library* by Matthew McKavitt and Helen Boyd.

New features and departments of the JOURNAL inaugurated this year are the Exchange Page offered free of charge to our regular and institutional members for listings of wants and duplicates for exchange (included for the first time in the March 1940 number), Letters to the Editor (a new department beginning with the May 1940 number), and Reference Question Clearing House, suggested and prepared by Margaret Hall (a new department beginning with the May 1940 number). A Check List of the National Reporter System was printed in the May 1940 number and will be carried in all subsequent numbers as a service to members and subscribers in addition to the Check List of Current American State Reports and Session Laws.

The Committee on LAW LIBRARY JOURNAL, the Editor and the Assistant Editor in Charge of Advertising gratefully acknowledge the assistance of Harvey

Reid, Editor-in-Chief of the West Publishing Company, in supplying data for the Check Lists of State Reports and the National Reporter System, and the valuable advice of A. B. Holman, attorney in the Department of Justice, concerning our schedule of advertising rates and the arrangement of the advertising in the JOURNAL.

A tabulation of the receipts and disbursements on account of the JOURNAL is contained in the report of the Treasurer. I shall here comment upon these receipts and disbursements and analyze them with respect to the Carnegie Fund and with respect to future plans for financing the JOURNAL.

(1) Receipts

(a) Subscriptions. A total of \$652.00 from subscriptions was credited to the JOURNAL during the fiscal year, 1939-40, as compared with a total of \$843.90 from this source in 1938-39, a decline of \$191.90. The loss of subscribers is due almost entirely to the dropping of subscriptions by institutional members who receive the JOURNAL as a part of their institutional memberships.

Five new subscriptions were entered this year and 30 were discontinued, leaving a total of 195 subscribers as compared with 220 as of this date last year:

Subscribers:

Total subscribers as of June 21, 1939	220	
New subscribers added since June 21, 1939	5	225
		<hr/>
Discontinued during 1939-40		30
		<hr/>
Total subscribers, June 21, 1940		195

(b) Advertising. Paid advertising amounting to a total of \$302.00 was credited to the JOURNAL in 1939-40 as compared with \$60.00 in 1938-39, a gain of \$242.00. (\$75.00 due from current advertising will also be credited to the JOURNAL when received. Since our books were closed on June 21, 1940 this amount will be shown in the report for 1940-41.)

(c) Sale of back numbers. A total of \$183.75 was received from sales of back numbers of the JOURNAL, this figure being substantially the same as the amount (\$185.25) received from this source in 1938-39.

The total receipts credited to the JOURNAL account, as commented upon above (a) (b) and (c), amount to \$1,137.75 as compared with a total of \$1,089.15 received from these sources in 1938-39, a gain of \$48.60. It will be noted that the loss of revenue from subscriptions has been offset by the income from advertising.

(2) Disbursements

The cost of the six numbers of the LAW LIBRARY JOURNAL with a total paging of 443 published during our fiscal year, 1939-40, was \$2,212.58. The six issues with a total paging of 524 published in 1938-39 cost \$2,317.49. The gain of \$48.60 (receipts (a) (b) (c) above) in direct receipts credited to the JOURNAL

this year and the saving of \$104.91 in printing costs made it possible for us to use a smaller proportion of the Carnegie money for the support of the JOURNAL in 1939-40 than was used in 1938-39. The balance in the Carnegie Fund as of June 21, 1940, is \$1,578.12, as shown in the following tabulation:

(3) The Carnegie Fund

Journal income (1939-40):			
Subscriptions	\$	652.00	
From sale of back numbers		183.75	
Advertising		302.00	\$1,137.75
			<hr/>
Cost of six numbers (1939-40)			2,212.58
			<hr/>
Proportion of Carnegie money spent, 1939-40			\$1,074.83
			<hr/>
Carnegie funds expended to date:			
Allocated to April 1937 number L.L.J.	\$	239.05	
Expended fiscal year 1937-38		842.16	
Expended fiscal year 1938-39		1,265.84	
Expended fiscal year 1939-40		1,074.83	\$3,421.88
			<hr/>
Granted, January, 1937			5,000.00
			<hr/>
Balance of Carnegie Fund as of June 21, 1940			\$1,578.12
			<hr/>

We have now been financing, in part, the expanded LAW LIBRARY JOURNAL with funds from the Carnegie Grant of \$5,000.00 for three and one-half years. The five-year period for the use of this fund under the original budget for the JOURNAL adopted in 1937 will end on January 1, 1942. The present balance of \$1,578.12 in the Carnegie Fund will enable us to use, under the original budget of 1937, approximately \$1,000.00 for the support of the JOURNAL from July 1, 1940, to June, 1941, and approximately \$500.00 for the period, July, 1941, to January, 1942.

The revised budget for the JOURNAL for 1940-41, contained in the budget for the Association attached to Mr. Morse's report, shows an item of anticipated receipts from advertising amounting to \$1,075.00. This sum, plus the balance in the Carnegie Fund, plus our anticipated receipts from subscriptions and sales of back numbers, may make it possible for us to continue our program of publishing 6 issues of the JOURNAL each year until July, 1943. The condition precedent to this is, of course, that we receive not less than \$1,075.00 from advertising in 1940-41, 1941-42 and 1942-43 and that we receive not less than \$750.00 during those years from subscriptions and sales of back numbers. In other words, it may be possible for us to spread the use of the balance of the Carnegie money over a longer period than we had originally planned, namely, from January, 1942, to July, 1943—one year and a half beyond the date when we expected the fund to be exhausted. However, after July, 1943, or at such time prior to that date when the Carnegie money is exhausted, we shall need each year, in order to pub-

lish 6 numbers of the JOURNAL, an additional sum of approximately \$500.00 over and above the regular income of the JOURNAL from subscriptions and sales of back numbers and the anticipated receipts from advertising from some source—either from another grant, or revenue from advertising in excess of the \$1,075.00 estimated for 1940-41. I respectfully submit that this problem of obtaining additional funds be referred to the Committee on Planning.

Before concluding, I want to report to you that, while it has not yet been possible to transfer back to the Index fund the sum of \$614.94 (the deficit in our general account as of June 21, 1939), we have incurred no further deficit this year. We anticipate the possibility of being able to transfer this sum back to the Index account during our fiscal year 1940-41.

In closing this report your Executive Secretary and Treasurer and Editor of the LAW LIBRARY JOURNAL wishes to thank the officers of the Association, the Assistant Editor in Charge of Advertising, and the committee chairmen for their generous cooperation. In addition, special acknowledgment is made to Lloyd Johnson, Assistant to the Editor, for his valuable suggestions and help in many matters, particularly in planning and executing our new system of keeping accounts through the use of specially prepared receipt and voucher forms.

Respectfully submitted,

HELEN NEWMAN

*Executive Secretary-Treasurer and
Editor of the LAW LIBRARY JOURNAL*

REPORT OF THE TREASURER: GENERAL ACCOUNT

American Association of Law Libraries

Fiscal year, June 21, 1939 to June 21, 1940

Receipts

Membership dues:

Associate	\$ 400.00	
Individual	579.50	
Institutional	1,232.50	\$2,212.00

Subscriptions to L.L.J.	652.00
Sale of back numbers of L.L.J.	183.75
Advertisements	302.00
Miscellaneous	1.00

Total direct receipts	\$3,350.75
Allocated from Carnegie fund for 1939-40	1,074.83
Total	<u>\$4,425.58</u>

Disbursements

Affiliation Dues in A.L.A.:

241 members @ 10 cents	\$	24.10
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Committee Expenses:

Committee on List of Law Libraries	\$	22.57	
Committee on Statistics (1938-39)		7.43	30.00

Freight and Express:

Records to San Francisco meeting and back numbers to purchasers			14.45
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Law Library Journal:

July 1939 number:

Printing, 900 copies, 48 pages	\$	255.00	
Copyright		2.00	
Postage, foreign and local		1.35	\$258.35

September 1939 number:

Printing, 900 copies, 215 pages		951.06	
Copyright		2.00	
Postage, foreign and local		3.06	956.12

November 1939 number:

Printing, 1,000 copies, 48 pages ..		264.00	
Copyright		2.00	
Postage, foreign and local		1.37	267.37

January 1940 number:

Printing, 800 copies, 40 pages		200.50	
Copyright		2.00	
Postage, foreign and local		1.44	203.94

March 1940 number:

Printing, 800 copies, 44 pages		228.94	
Copyright		2.00	
Postage, foreign and local		1.43	232.37

May 1940 number:

Printing, 800 copies, 48 pages		257.00	
Copyright		2.00	
Postage, foreign and local		1.43	260.43

3,000 mailing envelopes for L.L.J.		24.00	
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Postmaster, W.D.C., deposit for mailing L.L.J.		10.00	2,212.58
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Printing, Supplies and Equipment:

Mimeographing A.A.L.L. Constitution and By-laws	2.90	
150 programs for 34th annual meeting	30.75	
1,000 voucher forms for A.A.L.L. records	9.10	
1,000 receipt forms in duplicate for A.A.L.L. records	13.50	
100 card tabs and 2 packages file cards	1.30	
1,000 bill heads	6.50	
4,000 letter heads	23.50	
6 Indicator pads for Dictaphone60	
500 6¾ envelopes	3.50	91.65

Salaries:

Executive Secretary and Treasurer:

Balance of Salary, 1938-39	\$150.00	
Salary for 1939-40	300.00	\$450.00

Editor, Law Library Journal	400.00	
Assistant to Editor of L.L.J. and to Ex. Sec.	600.00	
Assistant Editor in Charge of Advertising	50.00	\$1,500.00

Traveling Expenses:

Arthur S. Beardsley, President:

To mid-winter meeting of Ex. Com., 12/28/39 ..	75.00	
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Lucile Elliott, Chairman, Com. on Pay Plans:

To A.L.A. meeting, 6/1/40	50.00	125.00
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Reporting:

Janna Q. Olson, 34th annual meeting, San Francisco	128.70
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Postage, Telegraph, Telephone and Messenger Service:

Messenger service	1.80	
Telegrams	11.23	
Telephone	2.20	
Postage	99.16	114.39

Miscellaneous:

Exchange charged on \$5.00 item payable in Canada ..	.75	
Repairs to Dictaphone machine	3.15	
Refund of duplicate payment of 1940 dues	5.00	
Binding vol. 31-32 L.L.J.	1.65	
Flowers for funeral of Fred Y. Holland	10.00	20.55

\$4,261.42

Summary: General Account

Balance in bank, 6/21/39	\$2,621.69
Deposited, 1939-40	3,350.75

Total	\$5,972.44
Disbursements, 1939-40	4,261.42

Balance in bank, 6/21/40	* \$1,711.02
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Balance, June 21, 1939	\$2,621.69	Balance, June 21, 1940 ..	\$1,711.02
Receipts, 1939-40	3,350.75	Disbursements, 1939-40 ..	4,261.42
	<hr/>		<hr/>
	\$5,972.44		\$5,972.44
	<hr/>		<hr/>

* Includes \$1,578.12 Carnegie Fund, plus \$132.90 General Fund.

REPORT OF THE TREASURER: INDEX ACCOUNT

The receipts and disbursements for the fiscal year, June 21, 1939, to June 21, 1940, in the Index to Legal Periodicals Account (American Association of Law Libraries, Index to Legal Periodicals, Helen Newman, Treasurer), Hamilton National Bank, Washington, D. C., are as follows:

Receipts

Balance, June 21, 1939.....	\$ 604.80	
H. W. Wilson Company.....	2,000.00	
Total Receipts		\$2,604.80

Disbursements

Salaries:

Jessie I. Wharton.....	\$1,000.00	
Helen Newman	500.00	1,500.00

Travel Expenses:

Helen Newman, Ex. Sec., to annual meeting, San Francisco, July 5-8, 1939. Check No. 42 authorized by Executive Committee	200.80	
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Total Disbursements		1,700.80
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Balance, June 21, 1940.....	\$ 904.00	
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Respectfully submitted,

HELEN NEWMAN, *Treasurer*

PRESIDENT BEARDSLEY: Mr. Poole is here and I am sure is ready to give us the Report of the Committee on the INDEX TO LEGAL PERIODICALS.

REPORT OF THE COMMITTEE ON THE INDEX TO LEGAL PERIODICALS

The committee's reports of the past few years have indicated improvement in the financial position of the Index. This improvement has continued. As a result we plan to publish during the coming year a number each month except during August. In addition, we feel at the present moment that it will be possible to assume the entire salary of the indexer, Miss Wharton, thus relieving the Harvard Law School of all expenses except the cost of space occupied and certain fundamental costs.

The H. W. Wilson Company, our Business Manager, cannot render a complete financial report until the publication of the three-year cumulation now in progress, but from a preliminary report it appears that the above program is assured. It is also possible to continue the contribution to the salary paid our most efficient Executive Secretary.

We are fortunate in having with us at this time, Professor James, the Editor

of the Index, and he will make important additions to this report. Your Chairman wishes to emphasize what has been stated previously, namely, that the Association is under the greatest obligation to him and to the Harvard Law School Faculty for essential help in this work. Professor James has, without compensation, given unremitting attention to the interests of the Index. His judgment and advice have been uniformly conservative and wise, as well as enthusiastic, and to him is due the excellent Index and, in no small degree, the present favorable financial condition.

May I suggest that Professor James be called upon for his report.

Respectfully submitted,

FRANKLIN O. POOLE, *Chairman*

ELDON R. JAMES, *Editor*

CLARA KILBOURN

HELEN NEWMAN

ARTHUR C. PULLING

JOHN T. VANCE

GERTRUDE E. WOODARD

PRESIDENT BEARDSLEY: I will be only too happy to do so. Mr. James, will you supplement what Mr. Poole has said regarding the Index?

[Mr. James prefaced the reading of his supplementary report with the following remarks:

Mr. Poole, Mr. President and Mr. Chief Justice, I am very happy to present a short statement in regard to the Index, particularly in the Dominion of Canada, because, Mr. Chief Justice, we index almost all of the leading periodicals of the English-speaking world. We perform our small part in promoting the solidarity of those of us who throughout the world speak English. I hope we may long have that opportunity.] [Applause.]

REPORT OF THE EDITOR OF THE INDEX TO LEGAL PERIODICALS

The number of entries in the Index during the past year is as follows:

Subjects	12,500
Authors	4,150
Cases	2,300

About thirty-five issues a year of bar association reports and periodicals devoted to bar association matters have been indexed. The total number of periodicals now indexed is 139.

From the beginning of 1940 all judicial council reports issued since that time are now being indexed and this will be continued.

In view of the issuance this year of the three-year cumulation, there will not be an annual cumulation in July but only a single issue covering the periodicals published since April 1940.

The new volume of the Index will be issued in September and beginning with the first number of this volume the Index will be published as follows:

<i>Month of Issue</i>	<i>Period Covered</i>
September	July-August
October	September
November	July-October
December	November
January	July-December
February	January
March	July-February
April	March
May	March-April
June	May
July	July-June

This new scheme will result in 11 issues of the Index during each year, the only month to be left out will be August. In the years in which the cumulated three-year volume is to be issued, there will be no annual cumulation.

Respectfully submitted,

ELDON R. JAMES, *Editor*

MR. JAMES [Continuing]: I hope this new scheme will work out and give satisfaction. At any rate it is an attempt to produce the Index much more frequently and I hope that that has value.

PRESIDENT BEARDSLEY: I think we are to be congratulated on the splendid work which the Committee on the INDEX TO LEGAL PERIODICALS is doing. We are happy to note the progress and improvement of the service by more frequently published issues.

Mr. Hern, would you like to supplement what has been said by the Committee on Membership as published in the May number of the LAW LIBRARY JOURNAL?

REPORT OF THE COMMITTEE ON NEW MEMBERS

The work of the Committee on New Members for the fiscal year 1939-40 has been quite fruitful. Its report this year divides the new members into four categories: Institutional, 8; Institutional Staff Members, 34; Individual, 24; and Associate, 3. The list of names is herewith appended to this report. The Committee on New Members consists of Peter Q. Hern, Chairman, Dorothea Blender, Albert Borner, Frances Farmer, Beryl Harris, Percy Hogan, John F. McCarthy, Hazel Reed, Layton B. Register and Harry C. Shriver.

PETER Q. HERN, *Chairman*

New Members

Ahlburg, Desda, Stanford University Law Library, Stanford, Cal.
 Arnold, James Robert, Indiana Law School Library, Indianapolis, Ind.
 Barbour, Constance M., Law Librarian, Lincoln University, Saint Louis, Mo.

- * Barry, John J., Librarian, Bronx County Bar Association Library, New York City.
- Betke, Alvin L., Librarian, Supreme Court Library, Colorado, Denver, Colo.
- Bitner, Harry, Law Librarian, University of Kansas City, Kansas City, Mo.
- * Borner, Albert, Librarian, Milbank, Tweed & Hope, New York City.
- Cushing, Eloise, Librarian, Alameda County Law Library, Oakland, Cal.
- * Davies, Audrey M., Librarian, Institute of Public Administration, New York City.
- Doe, Mildred, Law Librarian, University of South Carolina, Columbia, S. C.
- Doran, Marguerite, Librarian, University of San Francisco Law School, San Francisco, Cal.
- Druker, B. Bernard, 1st Ass't Librarian, Iowa State Law Library, Des Moines, Iowa.
- Dunham, Geraldine, Iowa State Law Library, Des Moines, Iowa.
- Eckley, Mary A., Cornell University Law Library, Ithaca, New York.
- Eley, Mary Elizabeth, Mississippi State Library, Jackson, Miss.
- Eliassen, Oliver C., Alameda County Law Library, Oakland, Cal.
- Field, D. M., Law Librarian, Mercer University, Macon, Ga.
- * Freeman, Anne, Librarian, Nathan & Henry B. Cleaves Law Library, Portland, Maine.
- Gans, Harriet N., Biddle Law Library, University of Pa., Philadelphia, Pa.
- * Gardner, Dillard S., Librarian, State of North Carolina Supreme Court Library, Raleigh, N. C.
- Goldman, D. A., Law Librarian, Wayne University, Detroit, Mich.
- Graham, Howard J., Los Angeles County Law Library, Los Angeles, Cal.
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MR. HERN [Continuing]: May I take this opportunity to thank both Dr. Beardsley and Miss Newman for their close cooperation. [Applause.]

* Individual members.

PRESIDENT BEARDSLEY: Most of you probably have noticed that our very dear friend Alice Magee is not here this morning, but Miss Magee will be here tomorrow. I have a telegram from her in which she says:

"Detained on the battlefield in the legislative halls in Baton Rouge. Left there today (June 25) victorious. Library gets an increase. Leaving New Orleans Tuesday noon, arriving Toronto Wednesday, ten p.m. Regret having to miss Wednesday session, particularly the President's report." [Applause.]

I think we are certainly happy that Miss Magee has been able to get an increase for her library. Surely she is a wonder when it comes to getting increases and most of us envy her political power and prestige.

At this time I want to announce the appointment of several committees:

Nominating Committee: William R. Roalfe, Chairman, Margaret E. Hall, Eldon R. James, James C. Baxter, Jean Ashman.

Auditing Committee: Laurie H. Riggs, Chairman, H. J. Conant, Francis X. Dwyer.

Resolutions Committee: William S. Johnston, Chairman, Adeline J. Clarke, Clara Kilbourn, Christian N. Due.

The report of the Nominating Committee will be given tomorrow afternoon; those of the Auditing and Resolutions Committees will be presented at the last session.

We were asked to adjourn promptly and I think we have pretty well succeeded in doing so; in fact, I think it is ten minutes sooner than the time set. We are to be the guests of the Law Society of Upper Canada at lunch this noon. In the meantime, we are to have the pleasure of inspecting one of the great libraries of Canada.

We stand adjourned.

[The meeting adjourned at 11:20 A. M.]

WEDNESDAY AFTERNOON SESSION

June 26, 1940

The meeting convened in the Tudor Room of the Royal York Hotel, Toronto, at 2:50 P. M., President Beardsley presiding.

PRESIDENT BEARDSLEY: I think we ought to feel very thankful for these little black books. I find a tremendous amount of use for them. I always have to have one for myself and one for each member of my staff, my secretary included. We owe a great debt of gratitude to the Commerce Clearing House for getting out this little book containing the names and addresses of our members.

MR. WILLIAM S. JOHNSTON (Chicago Law Institute, Chicago, Illinois): If it is in order I would like to move that we extend a vote of thanks to the Commerce Clearing House for the splendid little black books, with special mention of thanks to Miss Blender.

[The motion was seconded by Mr. A. Mercer Daniel, Howard University Law Library, Washington, D. C., voted upon and carried.]

PRESIDENT BEARDSLEY: We have had to change the program due to the absence of Miss Magee. We will put her paper off until tomorrow. We will now listen to the paper prepared by Mr. William B. Stern, Cataloger, Los Angeles County Law Library, on "The Influence of Foreign Law on American Law." This paper will be read for us by Miss Marian Gould of the University of Utah Law Library.

MISS GOULD: I was afraid that Dr. Beardsley was going to deprive me of the pleasure of announcing Mr. Stern's coming marriage. He is to be married to Miss Ruth Yarnell on July 5th and that is the reason he is not here to read his paper.

[Miss Gould then read Mr. Stern's prepared paper.]

THE INFLUENCE OF FOREIGN LAW ON AMERICAN LAW

WILLIAM B. STERN

Cataloger, Los Angeles County Law Library

It is probably no overstatement to say that a complete treatment of the subject of this paper would require the study of a lifetime on the part of a scholar who brought with him the historical perspective of the Beards, the universality of knowledge of a John H. Wigmore, and the readiness of judgment of a Roscoe Pound.

Instead of wasting your time with sweeping generalizations and worthless superficialities I have tried to limit my paper to one single phase of foreign law influence. Necessarily, those of you must be disappointed who perhaps expect a discourse on the rule of the Custom of Paris in Midwestern States, on the law of community property, on the Spanish influence on Texas pleading, or on Lieber's code for the army in the field, or on the many other subjects which on the surface, and under, show the effect of foreign legal thinking. Equally, apologies are due for skimming the surface of the law of those American jurisdictions in which a foreign sword established a foreign law which would go with the change of sovereignty, as was the case in Texas and California.

It seems to me that the foreign law influence deserves greater attention in one other field, than in any of the above-mentioned topics: it is in the subject of codification.

The codification movement divided the legal profession of our continent into opposite camps, and though many of the assertions of both sides have been led *ad absurdum*, the fight for codification, albeit in modified form, is still going on, perhaps stronger than ever.

The question presents itself: how did the idea find roots in this country that the common law—as contained in countless precedents and as amended and corrected by statutory provisions—needed settlement, modernization and clarification in a system of codes which either should become the sole or the prevalent

source of the "law of the country"? Where did the idea which soon pervaded the work of the law reformers originate that digests of reports and revision and increase of statute law would no longer suffice?

It is plain that the codification idea received its initial impetus from the French example, but it also received its momentum from the reform projects of English enthusiasts, who in turn found encouragement in the French success. When the French Civil Code was approved in 1803 and 1804,¹ England already reverberated with the cry for reform of antiquated provisions of the common law and for its codification. Tennyson characterized the law of the century as

. . . the lawless science of our law,
That codeless myriad of precedent,
That wilderness of single instances,
Through which a few, by wit or fortune led,
May beat a pathway out to wealth and fame.²

And if we follow the Oxford English Dictionary,³ the word "code" was scarcely used in its modern meaning until the beginning of the nineteenth century, and it remained for Bentham to introduce the terms "to codify," "codification" and "codifier" into the English vocabulary.

Jeremy Bentham (1748-1832) may well be credited with having aroused the common law world to codification. For this he has received alike praise and contempt, polite acknowledgment and brusque rejection.⁴ His writings on the advisability of codification and, moreover, his essay containing his logical deductions, intended as practical suggestions for the compilation of civil, penal, political and procedural codes, are many.⁵ They are, as a matter of fact, so many that he justifiably assumed that he would not have many readers among law reformers who would be attentive to the details of his suggestions.

Much emphasis has been placed upon Bentham's empirical belief that he could phrase codes which would be as advantageous for one country as for an-

¹ The Civil Code was soon translated into English in "The Code Napoleon, verbally translated from the French," by Bryant Barrett, London, W. Reed, vol. 2; and "The Code Napoleon; or, The French Civil Code. Literally translated," by a Barrister of the Inner Temple. London, W. Benning, 1827. Republished in New York, by Halstead and Voorhies, 1841.

² Aylmer's Field, line 436 f.

³ See under "Code," etc.

⁴ See, e.g., the highly tainted biography by John Maxey Lane, in "Great Jurists of the World" (Continental Legal History Series, vol. 2) p. 532.

⁵ Bentham's writings were to a large extent not published by himself, but by the Frenchman, Dumont. They are most easily available in John Bowring's edition of "The Works of Jeremy Bentham." Edinburgh, 1843 (11 vols.). The following writings deal with codification: Essay on the Promulgation of Laws and the Reasons Thereof; with Specimen of a Penal Code.—Principles of the Civil Code.—Principles of Penal Law.—Principles of Judicial Procedure, with the Outlines of a Procedure Code.—Leading Principles of a Constitutional Code, for any State.—A General View of a Complete Code of Laws.—Papers Relative to Codification and Public Instruction: Including Correspondence with the Russian Emperor, and Divers Constituted Authorities in the American United States.—Codification Proposal, addressed . . . to all Nations, Professing Liberal Opinions; or Idea of a Proposed All-comprehensive Body of Law. . . .—Commentary on Mr. Humphreys' Real Property Code (A review).—Petition for Codification.—Constitutional Code.

other, regardless of national or regional peculiarities caused by differences in well-rooted custom and tradition, or, as *he* would say, caused by the dust of history and the stagnation of the legal profession. However, in the study of Bentham's codification proposals for America, it should be kept in mind that he was conscious of the "influence of time and place in matters of legislation" as evidenced by his essay on that theme.

Bentham's fame, however, does not rest in the logical unassailability of his empirical findings; rather, it has its basis in his fervent expressions of indignation at the insufficiencies of the law of his time and its administration. Time and again it has been stated that Bentham's disrespect of legal tradition and his ridicule of the priest-like legal profession were based on his alleged lack of knowledge of the nation's legal past, and on his cynical distrust of the good intentions of his contemporaries. But this lack of professional spirit enabled him to strike a chord destined to resound many times. Paradoxically enough, it was a chord which was first struck centuries before his time, by Sir Francis Bacon⁶ and later by Parliament.

After more than a hundred years, his language is still full of excitement. He says, in his "Petition for Codification:"⁷

The Petition of the Undersigned Humbly Showeth,— . . . That, when a man asks what the "Law of the Land" is, he learns that there are two parts of it: that the one is called *statute law*, and the other *common law*, and that there are books in which these same two parts are to be found. That, when a man asks in what book the *statute law* is to be found, he learns that, so far from being contained in any *one* book, howsoever large, it fills books composing a heap greater than he would be able to lift. That, if he thereupon asks, in which of all these books he could, upon occasion, lay his hands, and find those parts in which he himself is concerned, without being bewildered with those in which he has no concern,—what he learns is—that the whole matter is so completely mixed up together, that for him to pick out the collection of those same parts from the rest, is utterly impossible. That, if he asks in what book the *common law* is to be found, he learns that the collection of the books in which, on each occasion, search is to be made for it, are so vast, that the house he lives in would scarcely be sufficient to contain it . . . We hear of tyrants, and those cruel ones; but, whatever we may have felt, we have never heard of any tyrant in such cruel sort as to punish men for disobedience to laws or orders which he had kept them from the knowledge of. . . .

In the posthumous edition of Bentham's Works⁸ it is stated that as late as 1818 many of his writings "had scarcely found their way into the United States" because they were originally published in French. However, it was Bentham himself who suggested codification to America. In 1811 he directed a lengthy address to President Madison in which he proposed "a complete body of . . . law," in one word, a "Pannomion," to be drawn up by him alone, and consisting of a "General Code" valid for all persons, and about two hundred "Particular Codes"

⁶ In his "Law Tracts" (2d ed., London, In the Savoy, H. Lintot, 1741, and in v. 4 of The Works of Francis Bacon, London, R. Gosling, 1730) Bacon recommends codification or digesting of the laws of England.

⁷ The Works of Jeremy Bentham, v. 5, p. 546.

⁸ *Op. cit.*, v. 4, p. 578.

of five pages each, for "special classes and denominations" such as husband and wife, or master and servant. It is impossible even to enumerate here the details of Bentham's plans and his arguments. The following excerpts may be indicative of the spirit of his address:

As matters of law stand at present, in *your* country, Sir (not to speak of *ours*), on what sort of basis is it that every man's dearest and most important interests stand, or rather fluctuate? On some random decision, pronounced in this or that barbarous age, almost always without any intelligible *reason*, under the impulse of some private and sinister interest, perceptible or not perceptible. . . .

At present, under the existing system of blind and sheepish acquiescence, who are they, who thus,—in conjunction, in each instance, with this or that judge,—become respectively the arbiters of your fate? . . . a mixed yet uncommunicating multitude, composed of judges, advocates, self-appointed note-takers, law report writers, law treatise-makers, law abridgment makers, and publishing law-booksellers.

To this picture of his time, as he saw it, he contrasted the security and justice which his "Pannomion" would bring.

The address remained unanswered until 1816, when Madison declined Bentham's offer in most courteous words. In the meantime, in 1814, Bentham had directed a similar proposal to the Governor of Pennsylvania, who submitted it to the Legislature, and arranged for the transmission to Bentham of the laws of Pennsylvania, the journals of the legislative proceedings and the Constitutional Convention, and Dallas' and Birney's Reports, so that Bentham could "mature and shape his system for submission officially to the Legislature." Bentham later declared that he never received these materials,⁹ and in June, 1817, he composed a circular to the Governors of all the States of the Union, which he followed up a month later with widely circulated letters of "Jeremy Bentham, an Englishman, to the Citizens of the several American United States."

Before tracing the course of the American codification movement which, at least chronologically, followed Bentham's proposals, it is essential to take a quick glance at the effect which Bentham's suggestions had on English reform. Once interest in codification was aroused, informative literature on foreign experiments and examples became available.¹⁰ In 1826, Horace Twiss published a pamphlet entitled "An Enquiry into the Means of Consolidating and Digesting the Laws of England"¹¹ in which he urged improvement of the existing statute law and the enactment of its consolidation, as well as a digest of the "unacted" law. The compilation of this digest should, according to Twiss, be preceded by an accurate classified arrangement of all text works, abridgments, reports and records.

In the same year, James Humphreys published his "Observations on the Actual State of the English Laws of Real Property, with the Outlines of a Code"¹² which, as restating the contemporary law of real property and suggesting codifi-

⁹ *Op. cit.*, vol. 4, p. 476.

¹⁰ So, *e.g.*, Charles Butler, *Horae juridicae subsecivae*. London, Brooke and Clarke, etc., 1804. Republished in Philadelphia, 1808. For translation of French Codes, see footnote 1.

¹¹ London, R. Pheney, 1826.

¹² London, J. Murray, 1826.

cation in this field, caused Bentham to exclaim: "Of a work such as this, the publication forms an epoch; in law certainly; I had almost said in history."¹³ Indeed, Humphreys' "Observations" were the starting point of a lively discussion¹⁴ which was crowned by statutory enactment in the Thirties.

Three years before Humphreys started the discussion in the field of real property, Anthony Hammond had published his book entitled "The Criminal Code"¹⁵ in which he outlined a "digest of the statutes relating to forgery." In 1828 and 1829 he published a two volume continuation of his work.¹⁶ Disney joined him in the penal code movement by 1826.^{17, 18} A novel approach was undertaken in 1839 by George Blaxland, who endeavored to arrange English law in the order of the French Civil Code.¹⁹

Soon actual codification work was started in India, where the work of Macaulay, Pollock, and Stephen led to a codification²⁰ which, in the amount of preparatory work on the part of outstanding scholars, was unequalled elsewhere. Contemporaneously, in Great Britain, John Austin raised his voice for codification,²¹ and his plea was later followed by that of writers like Syme²² and Sir Sheldon Amos.²³

Finally, in 1866, a Royal Commission was established for the preparation of a digest of the common law. However, after a report in 1867, the Commission discontinued its work. In 1882, the codification of criminal law and procedure was considered by a parliamentary committee, but the idea was abandoned

¹³ The Works of Jeremy Bentham, v. 5, p. 389.

¹⁴ See George Duckett Barber Beaumont, *Observations on the Code of Real Property*, proposed by James Humphreys. London, 1827.—Robert Dixon, *Observations on the Proposed New Code, relating to Real Property*, London, 1827.—John James Park, *Contre-Projet to the Humphreysian Code and to the Projects of Redaction of Messrs. Hammond, Uniacke and Twiss*, London, 1828.—See also the Parliamentary Commission Reports on Real Property, 1829-1833.

¹⁵ London, 1823.

¹⁶ The Criminal Code. London, 1828-29.

¹⁷ *Outlines of a Penal Code on the Basis of the Law of England, together with a Commentary thereon*. London, 1826.

¹⁸ See also, John Reddie, *A Letter to the Lord Chancellor of Great Britain, on the Expediency of the Proposal to Form a New Civil Code of England*, London, 1828; and Crofton Uniacke, *A Letter to the Lord Chancellor, on the Necessity and Practicability of forming a Code of the Laws of England*. London, 1825. And the same author's, *A Letter to Horace Twiss, being an Answer to his Inquiry into the Means of Consolidating and Digesting the Laws of England*. London, 1826.

¹⁹ *Codex Legum Anglicanarum; or, A Digest of Principles of English Law; arranged in the Order of the Code Napoleon*. London, H. Butterworth, 1839. Blaxland ended his comparison with the third title of the third book of the Code.

²⁰ Macaulay's Penal Code became law in 1860, and was preceded by the Code of Civil Procedure of 1859 and followed by the Code of Criminal Procedure of 1861. The Contract and Evidence Bills were passed in 1872. See Bijay Kisor Acharyya, *Codification in British India*, Calcutta, S. R. Banerji & Sons, 1914 (Tagore Law Lectures, 1912); see also, Sir Courtenay Ilbert, *Legislative Methods and Forms*, Oxford, At the Clarendon Press, 1901, p. 129 ff.

²¹ *Lectures on Jurisprudence, or, The Philosophy of Positive Law*. Lecture 39, sec. 969.

²² F. R. Syme, *Code of English Law (Principles and Practice)*, 1870.

²³ Sir Sheldon Amos, *An English Code, its Difficulties and the Modes of Overcoming Them*. London, Strahan & Co., 1873.

after a few sittings.²⁴ So it was possible that the enactment of the Bills of Exchange Act of 1882 was hailed as the "first code or codifying enactment in English law."²⁵

This sketch of the development in England permits the conclusion that neither foreign nor domestic influences were strong enough to force a comprehensive code system upon England.

In America, the setting was much more friendly to the codification movement. The American jurisdictions had only recently made English common law the law of the country, and the belief in the rule of natural justice—common in colonial times—was disappearing only slowly. Famous is Alexander Hamilton's advice:²⁶

Apply yourself, without delay, to the study of the law of nature. I would recommend to your perusal Grotius, Puffendorff, Locke, Montesquieu, and Burlamaqui. . . .

No less remarkable is Chief Justice Marshall's resort to writers on the law of nature and nations for the interpretation of the contract clause of the Constitution.^{27, 28}

The philosophy of the period is perhaps best expressed in the following words of Roscoe Pound:²⁹

At the end of the eighteenth century transition from the stage of equity or natural law to the stage of maturity of law was complete. The theory of natural law had done its work of liberalization and modernization and had become for the time an agency of stabilization. Men thought it possible to discover a body of fixed and immutable principles, from which a complete system, perfect in every detail, might be deduced by purely logical operations, and held it the duty of the jurist to find them and of the legislator to promulgate the deductions in the form of a code. . . .

This attitude, gradually developing in America, was fostered by various sentiments. Many citizens of the nation were fascinated by the idea of creating a "brand new body of strictly American law," which would do away with the British legal idiom, and preference for things French had attained wide proportions. The reception of the French Code as a codification of natural law was openly advocated.³⁰

²⁴ The bill under consideration was based on a project by Sir James FitzJames Stephens. See Ilbert, *loc. cit.* In 1879, Edward Dillon Lewis' "A Draft Code of Criminal Law and Procedure" was published (London, C. Kegan Paul & Co.).

²⁵ M. D. Chalmers, An experiment in codification, in 2 *Law Quarterly Review* (1886) 125.

²⁶ In "The Farmer Refuted," 1775 (The Works of Alexander Hamilton, ed. by Henry Cabot Lodge, New York, G. P. Putnam's Sons, 1904, v. 1, p. 53 ff, at p. 61).

²⁷ *Ogden v. Saunders*, 12 Wheaton (25 U. S.) 213, at 353.

²⁸ On the subject of natural law versus common law in colonial times, in general, see Charles F. Mullett, *Fundamental law and the American Revolution, 1760-1776*, New York, Columbia University Press, 1933, p. 33 ff. See also, Max Radin, *The Rivalry of Common Law and Civil Law Ideas in the American Colonies*, in *Law, A Century of Progress, 1835-1935*, New York, New York University Press, 1937, vol. 2, p. 404.

²⁹ *The Spirit of the Common Law*, Boston, Marshall Jones Co., c. 1921, p. 145-146.

³⁰ See Roscoe Pound, *The Influence of the Civil Law in America*. In 1 *Louisiana Law Review* (1938-39) 1, at 12.

Democratic feeling also ran riot against the "aristocracy" of the legal profession, whose ethical standing was branded in even harsher terms than it was in England.³¹ A scheme which promised to make "every man his own lawyer" was bound to find popular acclaim. These deep-rooted factors expressing themselves in a time philosophically and psychologically ready for codification were likely to bring about far reaching results.

In two jurisdictions on the North American Continent—Quebec and Louisiana—French law prevailed by history and tradition. In Quebec (Lower Canada) French law was taken over into English sovereignty³² and French private law, i.e., the law on "property and civil rights," was as fully in force as the common law in the early American States.³³ It was, however, not until 1866 and 1867 that the "Civil Code of Lower Canada" and the Code of Civil Procedure were passed. Both Codes were, in accordance with legislative instructions,³⁴ based on the arrangement of the French Codes, but the Reports of the Code Commissioners³⁵ show that the compilers had much recourse to Roman Law and to French jurisprudential writing for the justification of innumerable modifications of the French example.³⁶ The Code of Civil Procedure naturally incorporated those English writs which had become part of the law of Quebec, and it is assumed that provisions of this code are based equally on French and English law.³⁷

In the other American jurisdiction under French law—Louisiana—the adoption of a Civil Code and Code of Civil Procedure came about with greater speed and enthusiasm. Louisiana, long living under French law, was converted to Spanish law in 1769. The establishment of American rule in 1803 offered an opportunity for transition to the common law system. Anglo-American law, however, won the upper hand only to a limited extent. To be sure, in questions of constitutional law, criminal law, civil and criminal procedure, and commercial law, as well as in other fields, Louisiana adopted common law ideas. The Practice Act of 1805, often considered the first true code on American soil,³⁸ is one of the first legislative acknowledgments of the intention to fuse the two legal systems.

The Legislature assured continuation of the codification by the employment in 1805 of James Brown and L. Moreau Lislet. Both were entrusted with the codification of the civil law "by which this territory is now governed." The "Digest of the Civil Laws now in Force" adopted in 1808 was, as to form and

³¹ For all these factors, see Charles Warren's "A History of the American Bar" (Boston, Little, Brown and Co., 1913), p. 508 ff. ("The Era of Codes, 1820-1860").

³² 14 Geo. 3, c. 83, sec. 4, 8 (1774).

³³ On the extent of the rule of French law, see F. P. Walton, *The Legal System of Quebec*, in 13 *Columbia Law Review*, 213.

³⁴ 20 V., c. 43, sec. 7.

³⁵ *Civil Code of Lower Canada, First-Seventh Reports and Supplementary Report*, Quebec, George E. Desbarats, 1865.

³⁶ For present day differences between the Civil Law of Quebec and the Common Law, see F. J. Laverty, *Some Differences between the Common Law and That of the Province of Quebec*, in 9 *Canadian Bar Review* (1931) 13.

³⁷ See F. P. Walton, *loc. cit.*

³⁸ Charles M. Hepburn, *The Historical Development of Code Pleading in America and England*, Cincinnati, W. H. Anderson, 1897, p. 79.

content, based largely on early drafts of the French Civil Code, since the Code as adopted finally in 1803 and 1804 was not available in America at the time.³⁹ Revival of old Spanish law, caused by the decision of the Supreme Court of Louisiana in *Cottin v. Cottin*,⁴⁰ and dissatisfaction with the 1808 "Digest," ultimately led to the enactment of the Civil Code of 1825, for the compilation of which Edward Livingston deserves the chief credit. It is generally recognized that this Code was based largely on the *Code Napoleon*, and it has been considered one of the clearest restatements of Roman law in modern times.⁴¹

Livingston and his co-commissioners were equally successful with their Draft of a Code of Practice in Civil Cases, adopted by the Legislature in 1823.⁴² This Code shows, more than the Civil Code, elements of English origin, but the bibliographical notes of the draft contain abundant references to Roman, Spanish and French sources.

The extent to which the codes of Louisiana have incorporated common law principles has always been a matter of learned speculation. Gradually, though slowly, common law ideologies have penetrated Louisiana's civil law system, so that recently Gordon Ireland announced: "Louisiana is today a common law State."⁴³ This assertion, however, has been flatly denied by other scholars of the state's legal system.⁴⁴

Most fame came to Livingston for his drafts of a criminal code and code of criminal procedure, which, although undertaken with the encouragement of the Legislature, have never been adopted. Livingston considered these drafts the product of his study of, and correspondence with, Bentham. These codes are, in fact, the only American project which can clearly be traced to Bentham. As Benthamite products, and as examples of precision and clearness, excerpts from Livingston's Drafts were published in London⁴⁵ and Paris⁴⁶ before their major portions were printed in 1828 by order of the House of Representatives.⁴⁷ Only in 1833 were they published in full.⁴⁸

Turning from the Civil Law to the Common Law States, our attention is

³⁹ On this and other phases of codification in Louisiana see John H. Tucker, Jr., *Source Books of Louisiana Law*, in 1 Louisiana Legal Archives (New Orleans, Thos. J. Moran's Sons, 1937) xviii (Report from four articles in the Tulane Law Review).

⁴⁰ 5 Mart. (1817) 93.

⁴¹ See Tucker, *loc. cit.*

⁴² The "Projets" of these two codes have been republished by the State of Louisiana in 1 and 2 Louisiana Legal Archives, cited in footnote 39, *supra*.

⁴³ Louisiana's Legal System Reappraised, in 11 Tulane Law Review (1936-37) 585.

⁴⁴ See especially Harriet Spiller Daggett, *et al.*, A Reappraisal Appraised: A Brief for the Civil Law of Louisiana, 12 Tulane Law Review (1937-38) 12.

⁴⁵ Project of a New Penal Code for the State of Louisiana. London, Baldwin, Cradock and Joy, 1824. The Library of Congress notes also a Rapport fait à l'Assemblée générale de l'état de la Louisiane, published at New Orleans by B. Levy & Co., 1822. The original manuscript of the code was destroyed accidentally by fire on the day of its completion.

⁴⁶ Rapport sur le Projet d'un Code Pénal . . . suivi des Observations . . . par M. Mill, avec une Introduction et Notes, par A. H. Taillandier. Paris, A.-A. Renouard, 1825.

⁴⁷ A System of Penal Law for the United States of America: Consisting of a Code of Crimes and Punishments; a Code of Procedure in Criminal Cases; a Code of Prison Discipline; and a Book of Definitions . . . Washington, Gales & Seaton, 1828.

⁴⁸ A System of Penal Law, for the State of Louisiana . . . Phila., J. Kay, Jun. & Co., 1833.

drawn first to "An Oration on the Practicability and Expediency of Reducing the Whole Body of the Law to the Simplicity and Order of a Code,"⁴⁹ by Thomas Smith Grimké, who was widely known in his time as a leader of the American Peace Society and an educational reformer.

The codification movement, however, was not restricted to crusading reformers. Alarm was generally felt over the enormous increase of law reports, the number of which had risen between 1804 and 1821 from eight to about one hundred and seventy. From 1823 to 1829, Nathan Dane published the nine volumes of his "General Abridgment and Digest of American Law,"⁵⁰ and a few years later Jacob D. Wheeler published his abridgment in eight volumes.⁵¹

In 1829, the State of New York published the "Revised Statutes" with a new chapter on real property law and Massachusetts considered the introduction of the code system. The Commonwealth was fortunate enough to have as its Commissioners, "Appointed to Consider and Report upon the Practicability and Expediency of Reducing to a Written and Systematic Code the Common Law of Massachusetts, or any Part Thereof," Joseph Story, Theron Metcalf, Simon Greenleaf, Charles E. Forbes, and Luther S. Cushing. The work of the Commissioners, however, was largely the responsibility of Story who on several occasions had given unmistakable proof of his admiration for civil law and the code system.

In "A Discourse on the Past History, Present State and Future Prospects of the Law" he said:⁵²

The mass of the law is, to be sure, accumulating with an almost incredible rapidity, and with this accumulation, the labour of students, as well as professors, is seriously augmenting. It is impossible not to look without some discouragement upon the ponderous volumes, which the next half century will add to the groaning shelves of our jurists. . . . I know, indeed, of but one adequate remedy, and that is, by a gradual digest, under legislative authority, of those portions of our jurisprudence, which, under the forming hand of the judiciary, shall from time to time acquire scientific accuracy . . . and thus we may pave the way to a general code, which will present in its positive and authoritative text the most material rules to guide the lawyer, the statesman, and the private citizen. . . .

The work of the Commission resulted in a report to the Governor⁵³ in 1836, which is noteworthy not only for its recommendation of codification in the field of property law, personal rights and contracts, civil procedure and criminal law and procedure, but to a much greater extent for its departure from the fundamental Benthamite fallacies. It was Bentham's idea that codes should be drawn up so that they could take care of all the legal situations which could arise, and

⁴⁹ Charleston, 1827.

⁵⁰ Boston, Cummings, Hilliard & Co.

⁵¹ A Practical Abridgement of American Common Law Cases, New York, Treadway & Atwood, 1833.

⁵² Edinburgh, T. Clark, 1835, p. 49.

⁵³ Reprinted in William W. Story's edition of "The Miscellaneous Writings of Joseph Story" (Boston, C. C. Little and J. Brown, 1852, p. 698 ff.) and in a pamphlet edited by David Dudley Field entitled "Codification of the Common Law," New York, J. Polhemus, 1882, p. 25 ff.

that judicial and jurisprudential interpretation should be eliminated. In contrast, Story explains

That it is not possible to establish in any written code all the positive laws, and applications of laws, which are necessary and proper to regulate the concerns and business of any civilized nation . . . and that any attempt at so comprehensive an enterprise would be either positively mischievous, or inefficacious, or futile. . . .

The Commissioners therefore recommended a code containing only "those principles, and details of the common law of Massachusetts . . . which are of daily use and familiar application to the common business of life. . . ." Provisions of such a code, the Commissioners contended, should be subject to the same kind of judicial interpretation by analogy and reference to natural law as the rules of the uncodified common law. As is generally known, Massachusetts did not adopt the recommendations of the Commissioners.

The first state to adopt a comprehensive code of the remedial and substantive common law was Georgia. Due to the troubled conditions of the Civil War period this fact has remained generally unknown. The New York Code Commissioners, including Field, were unaware of the work simultaneously going on in Georgia and, as late as 1873, the California Commission did not know of the Code of Georgia. Curiously it was also unknown to Hepburn, the foremost writer on the development of code pleading. In 1930, Marion Smith "unearthed" the history of the compilation of the code,⁵⁴ although nothing of this phase has come down to us but the personal reminiscences of one of the Commissioners.⁵⁵ An appraisal of this code was given at the 1932 meeting of the American Association of Law Libraries by Ella May Thornton, the State Librarian of Georgia.⁵⁶ The Code went into force in 1863 and was to fulfill the ambitious task of embracing "in a condensed form, the Laws of Georgia, whether derived from the common Law, the Constitutions, the Statutes of the State, the decisions of the Supreme Court, or the Statutes of England, of force in this State." The code was divided into four parts: the Political and Public Organization of the State, the Civil Code, the Code of Practice, and the Penal Laws. Nothing is known to us about the sources consulted by the three codifiers, of whom Thomas R. R. Cobb compiled the Civil Code. Marion Smith⁵⁷ has pointed to the occasional reception in the Code of provisions of civil law and English statute law, but the true sources consulted by the codifiers have not as yet been uncovered.

In the Code of 1933, the division of the Code into Political, Civil, Procedural, and Penal Codes, one of the Code's historical features, was abandoned in favor of an alphabetical arrangement under one hundred and fourteen titles.

There remains the task of examining the Field Codes for any evidence of foreign law influence. Henry Dudley Field's codification work was performed

⁵⁴ The First Codification of the Substantive Common Law, 4 Tulane Law Review (1929-1930) 178.

⁵⁵ Richard H. Clark, The History of the First Georgia Code, Georgia Bar Association Report, 1890, p. 144 ff.

⁵⁶ 25 Law Library Journal (1932) 201.

⁵⁷ *Loc. cit.*, at 186.

less in response to popular demand than was that of any other English or American code compiler. When, nevertheless, towards the end of his life, more than twenty jurisdictions had adopted his procedural codes and some of them his Penal, Political, and Civil Codes, Field had reason to consider his work a milestone in the development of American law and a service "to the cause of universal justice."⁵⁸ There is no reason to disbelieve the sincere intention of Field to improve the law of his country by revising and codifying it and thus to contribute, in a supernational way, to the progress of mankind. By numerous contacts abroad, he had learned to consider revision and codification of law one of the fundamental tasks of the legal profession of his time and to look to Roman law and the Napoleonic code as revered examples for his prophetic job.

Accordingly, it is not surprising that throughout his polemic writings—and all of his writings were polemic—he refers to the success of Roman and French codification. When James Coolidge Carter, one of Field's ablest opponents, branded Field's work and codification in general as undemocratic,^{59, 60} Field could reply that nothing better than codes could assure the constitutional division of the legislative and judicial branches of our government.⁶¹

Whether Field and his assistants actually perused Roman law or the French codes in the preparation of their drafts is not known.⁶² Neither the biography of Field⁶³ nor his writings on codification as published in collected form,⁶⁴ contain information regarding the sources consulted by Field. For historical completeness, however, mention should be made of the appraisal of his Civil Code by Sir Sheldon Amos:

The New York Civil Code may be described rather as a Codification of Text books on the English Common Law, than as a Codification of English Common Law itself. Apart from occasional scraps of terminology and arrangement borrowed from Justinian's Institutes and the Code Napoléon, the whole Work reproduces, in an utterly undigested form, the notions and the very phraseology in which the English Law is clothed in the most hastily compiled Textbooks. . . .⁶⁵

In those jurisdictions where, as in California, Field's Civil Code has been

⁵⁸ Henry M. Field, *The Life of David Dudley Field*, New York, C. Scribner's Sons, 1898, p. 82.

⁵⁹ James C. Carter, *The Proposed Codification of Our Common Law*, New York, Evening Post Job Printing Office, 1884. ("Prepared at the request of a Committee of the Bar Association of the City of New York, appointed to oppose the measure.") As a reply to Carter, see Robert Ludlow Fowler, *Codification in the State of New York*, 2d ed., New York, M. B. Brown, 1884.

⁶⁰ On the attacks on Field in this respect, see Peter J. Hamilton, *The Civil Law and the Common Law*, 36 *Harvard Law Review*, 180.

⁶¹ See Field's contribution to the symposium on Codification, 20 *American Law Review* 1.

⁶² *Anthoine de Saint-Joseph's "Concordance entre les Codes Civils Etrangers et le Code Napoléon"* (1st ed., Bruxelles, 1842; 2d ed., Paris, 1856) contained a convenient digest of the Civil codes of all countries.

⁶³ *Supra*, footnote 58.

⁶⁴ *Speeches, Arguments and Miscellaneous Papers of David Dudley Field*, ed. by A. P. Sprague, vol. 1, New York, D. Appleton and Co., 1884.

⁶⁵ *An English Code, its Difficulties and the Modes of Overcoming them*. London, Strahan & Co., 1873, p. 99.

adopted, a jurisprudence has developed which, for purposes of interpretation, has examined the origin of Field's terminology and causes for his changes of the common law. Chapters in the law of real property, the law of wills, and many other fields have been traced to French law.⁶⁶ However, it is Field's classification of the law and arrangement of the codes which make it most obvious that Field, just as the other codifiers, was affected to no little extent by ideas from foreign sources. [Applause.]

PRESIDENT BEARDSLEY: It is always difficult at best to read somebody else's paper. I think we are indebted to Miss Gould for undertaking what is not always an easy job.

We are very fortunate this afternoon in having C. Ray Brown here, who is going to talk to us on the "History of the Carswell Company, Ltd.," a company in which for many years we have been individually interested and from whom we have bought a great deal of material. I am sure it is going to be pleasant to know more about the organization. Mr. Brown. [Applause.]

[Mr. Brown prefaced the reading of his paper with the following remarks: Mr. President, Ladies and Gentlemen, Miss Newman suggested this paper; it is not my own choice. I am afraid on account of its non-technical nature it may not be interesting, but here it is.]

THE HISTORY OF THE CARSWELL COMPANY LIMITED

C. RAY BROWN

General Manager, The Carswell Company

The Carswell Company Limited was founded by Robert Carswell, son of Hugh and Elizabeth Hanna Carswell, who came from Glasgow, Scotland, in 1833. He was born at Colborne, Ontario, July 19, 1838, being the youngest of a family of four. Both parents died before he was three years of age. He was adopted by Henry Frint, who, having no children of his own, adopted nine orphans.

Robert attended Brighton Grammar School and, at the age of 17, qualified as a teacher. After teaching two years he went to Belleville Seminary and eighteen months later became a member of that faculty, his subject being English. At 21 he went to Middleton, Conn., where he attended Wesleyan University for two years. As it was extremely difficult for him to finance his education, he availed himself of every opportunity to raise funds. While at college he earned commissions by selling textbooks to the students; however, when the American Civil War broke out it became impossible to continue his studies.

After leaving college he taught school during 1860-1862 and then was employed as agent for Appleton's Cyclopaedia for two years. He moved to

⁶⁶ Maurice E. Harrison, *The First Half-century of the California Civil Code*, in 10 *California Law Review* 185.

Toronto in 1864 where he came upon some second-hand law books which sold readily. This proved to be the beginning of his life's work.

His first book shop was opened in 1866. The following advertisement is to be found in the Toronto Directory of 1867:

R. Carswell
importer of
Books on Law and Medicine
and Photograph Publisher.
No. 6 King Street West (corner of
King & Yonge)

The largest variety of Photographs for the Trade issued in Canada. Over a hundred varieties of sittings of members of the Royal Family. Over a thousand different Canadian Clergymen, a large number of public men of Canada and Foreign countries, etc., etc.

Booksellers and Book Agents call and examine.

Clarke's Criminal Law was the first book published by Mr. Carswell. It bears the date 1872 and was issued from 16 King Street East. Since that time a continual succession of law books has appeared with the name of "Carswell" on their title pages. His major undertaking in the early years was a reprint of the then out-of-print volumes of the Upper Canada (Ontario) Reports.

The store was moved for a short time to a shop over the "Leader" and "Patriot" at 63 King Street East (corner of Leader Lane and King Street). In 1873, due to expanding business it was considered advisable to occupy larger premises at 26-28 Adelaide Street East and in 1890, 30 Adelaide Street East. In 1877, Mr. Carswell having acquired the property on the northeast corner of Adelaide and Victoria Streets, erected Equity Chambers or 20 Adelaide Street East. It was principally occupied by lawyers. It is said that this building has the distinction of being the first in Toronto equipped with a passenger elevator.

The firm of Carswell and Company came into being in 1879, a partnership having been entered into between Mr. Carswell, Charles Frankish, W. E. Collins and Arthur Poole. From 1881 to 1889 a branch was maintained at 11 Giles Street, Edinburgh, Scotland. The Bindery was added to the business in 1883, but the Printing Department was not added until 1891.

Mr. Frankish, brother-in-law of Mr. Carswell, gave up active interest in the law book business about 1884 and later went to California with several other Toronto gentlemen who were instrumental in founding the town of Ontario in San Bernardino County, some 35 miles east of Los Angeles, in one of the citrus fruit districts. Mr. Carswell bought a piece of land there and had an orange grove planted. Later, while on a business trip to the law libraries in the west, he visited Ontario. It irked him to see so much land lying idle during the period in which the trees were maturing. He conceived the idea that if melons were planted between the rows this waste would be reduced. Unfor-

tunately the result was not what he anticipated, as his orange trees died from insufficient nourishment. The ranch was abandoned during the depression of 1893.

In September, 1891, a Canadian Charter was granted which created The Carswell Company, Limited, the original officers of which were: Robert Carswell, President and General Manager; Arthur Poole, Vice President; Charles Brown, Secretary-Treasurer; S. E. Hall, Manager, Bindery Department.

As Equity Chambers and 26-30 Adelaide Street East were sold in 1909, the Company moved to 19 Duncan Street, at the corner of Adelaide and Duncan Streets, where it remained until May, 1919, when the Carswell Building, 145-149 Adelaide Street West, was completed. The Company demonstrated its faith in Canada by commencing the erection of this five story building in the early part of 1918 during the darkest days of the Great War.

Mr. Carswell gave up the office of General Manager at the end of 1921 but remained President of the firm until his death on March 20, 1928, at the age of 89. Mr. J. T. A. Smithson became General Manager January 1, 1922, and President on March 26, 1928. In accordance with the Company's Pension Plan, Mr. Smithson retired as General Manager in 1938 after nearly forty years of devoted service. He is still President of the Company.

Mr. Carswell's success was due to tireless energy and determination. Defeat and failure had no place in his make-up. He expected loyalty in his employees and in return was considerate of them. He was one of few men who had an extensive commercial knowledge of British and British Colonial law books. The late Charles C. Soule, who compiled the *Lawyers Reference Manual*, 1883, and founded the Boston Book Company, was another. Either of these gentlemen was familiar enough with the many English Reports to know in which Court each of the Reporters belonged, whether Chancery, King's Bench, Common Pleas, etc., etc.

The Company carries on business in many countries, but its main efforts are exerted in Canada and the United States.

Many well known sets are published by the Company among which are: Canadian Law Times, Eastern Law Reporter, Maritime Provinces Reports, New Brunswick Reports, Nova Scotia Reports, Ontario Reports, Ontario Weekly Notes, Ontario Weekly Reporter, Western Law Reporter.

Catalogs of modern law books have been issued periodically. These are supplemented now by the Monthly List of New Legal Publications. Check Lists of British and Colonial Reports, Periodicals and Statutes were made from time to time, also catalogs and lists of the second-hand material carried in stock. At present a volume is being prepared by the Company which will form part of the set known as Sweet and Maxwell's Legal Bibliography. It will cover all Canadian legal publications from the earliest times.

The Company owns Burroughs and Company, Limited, Calgary, Alberta, and its subsidiary, Burroughs and Company (Eastern) Limited, Toronto, Ontario. These two firms publish: Western Weekly Reporter, Canadian En-

cyclopedic Digest (Western), Canadian Encyclopedic Digest (Ontario), Canadian Abridgment, Canadian Bankruptcy Reports.

For years the firm has been the agent for the publications of Sweet and Maxwell, Limited, and Stevens and Sons Limited, both of London, Wm. Green and Sons, Edinburgh, The Law Book Company of Australasia Pty. Limited, Sydney, and others.

The following is a list of some of the outstanding sets for which the Company is agent in Canada and the United States: Aspinall's Maritime Cases, Australian Digest, Australian Law Journal, Commonwealth Law Reports (Australia), Cox's Criminal Cases, Criminal Appeal Reports, Encyclopedia of the Laws of England, Encyclopedia of the Laws of Scotland, English Law Reports, Full Reprint, Juridical Review, Law Journal Reports, Law Quarterly Review, Law Times, Law Times Reports, Mews Digest of English Case Law, New South Wales Reports, Queensland Reports, South Australian Reports, Times Law Reports, University of Toronto Law Journal, Western Australian Reports, Modern Law Review, together with many others.

In May of this year, an arrangement was completed with Butterworth & Company (Publishers) Limited, of London, whereby the Carswell Company became sole agent in the United States for that firm's legal publications which contain such outstanding works as: All England Law Reports, Butterworth's Workmen's Compensation Cases, Encyclopedia of Forms and Precedents, English and Empire Digest, Halsbury's Laws of England, Halsbury's Statutes of England.

The Company has aimed to carry in stock the Reports, Legal Periodicals, Statutes, Digests and leading texts of the principal countries of the British Empire, such as: England, Ireland, Scotland, Canada, Australasia, New Zealand, South Africa, India, etc.

Early and out-of-the-way legal treatises are carried on its shelves among which are found editions of legal classics such as Blackstone, Bracton, Coke, Fitzherbert, Littleton, etc., also Year Books, together with a stock of Trials and miscellaneous legal material.

The Printing and Bookbinding Departments contain modern equipment operated by skilled mechanics. Both of these departments have a reputation of producing high class work.

The writer of this paper started with the Company in 1894 as office boy. After spending ten years in the store, he was sent on a trip to the Maritime Provinces, Newfoundland and Quebec to call on the legal profession. Three such trips were made before his initial journey into the United States in 1906. The first place of call was at the Vermont State Library at Montpelier. Mr. Wing, the librarian, was kind enough to place a considerable order. This was encouraging for the first day in a strange country. During the following thirty-four years, he made trips every six months to practically all the American law libraries which were interested in British and British Colonial legal publications. As years went by these trips were more in the nature of visits to old friends rather than business calls.

It was a coincidence that the law librarians formed their Association in 1906. Not until then had they been acquainted with each other or greatly interested in the work of those in the same line of endeavor. The Association brought about a great change in the viewpoints of its members.

Mr. Small, the Association's first President, was largely responsible for its success. His enthusiasm and get-together spirit was a wonderful help in holding the comparatively small group during its tender years. Among others who played important parts in establishing the organization were Mrs. Margaret C. Klingelsmith, Mr. Ernest A. Feazel, Mr. George S. Godard, Mr. Luther E. Hewitt, Mr. Gilson G. Glazier, Mr. Franklin O. Poole and Mr. Frederick W. Schenk. These members were instrumental in creating the INDEX TO LEGAL PERIODICALS and the LAW LIBRARY JOURNAL, the first number of which appeared in January, 1908. These publications have proven to be two of the most useful tools in a law library.

It is a pleasure to the writer and certainly a privilege to have been associated with the members of the American Association of Law Libraries from its commencement. He trusts that his firm and he will always be worthy of their good wishes and confidence. [Applause.]

PRESIDENT BEARDSLEY: Thank you very much, Mr. Brown, for your paper. Notwithstanding that you may feel that it was not interesting to us, I am sure it was. In fact, I think I can speak for all of us in saying that anything that C. Ray Brown tells us will be interesting to us. The many years of service which he has given to our American libraries has endeared him very much in our hearts and we all regretted that he had to give up his American trips. We have grown to love and admire C. Ray Brown and we certainly miss those semi-annual trips which he made to us for so many years.

The Association for several years has been giving considerable attention to microfilming which I think is one of the great projects now being undertaken throughout the library world generally. It offers, I feel, great possibilities in the field of law library work.

This afternoon we have two reports in connection with microfilming, the first of which is to be given by Miss Moylan and is on the subject of "Microfilming of U. S. Supreme Court Records and Briefs." We will now listen to Miss Moylan's report.

[Miss Helen Moylan, Law Librarian, University of Iowa, as chairman, read the report of the committee.]

REPORT OF THE COMMITTEE FOR MICROFILMING UNITED STATES SUPREME COURT RECORDS AND BRIEFS

This committee has been working since the fall of 1937 to evolve some plan whereby the Records and Briefs of cases submitted to the United States Supreme Court could be put on microfilm and thus made available to libraries which have hitherto been unable to secure them. A project of this size necessarily involves

considerable expense, but it was thought probable that enough libraries could be interested in subscribing to the project to bring the price within a fairly reasonable range.

There have been many problems to be worked out. The committee has had correspondence with various firms which make a business of microphotographing for libraries and other institutions. Those of you who were at the St. Paul meeting will recall that we arranged also for a display of readers and had an exhibit at that meeting of various types of machines.

We are happy to report that we have now obtained six original subscribers to the project and have formed an association to be known as The Legal Microfilm Association to handle the business details. This Association is a non-profit one, consisting of the original subscribing libraries with provision for additional members should others wish to come in. It seemed wise to the members of the committee to form a separate permanent organization to handle the many details of management and finances.

The Legal Microfilm Association is arranging a contract with the University of Chicago Libraries to have the Records and Briefs of the United States Supreme Court which are received by the University of Chicago Law Library photographed in the laboratories of the University of Chicago. The price of the films will depend upon the number of pages in the Briefs and Records of each court term. It is now planned that the filming will begin with the October Term 1938, which is the latest one for which a complete file of papers is available. It is the plan of the Association to photograph all the papers furnished by the Court with the exception of those cases in which certiorari has been denied. It is anticipated that the papers for the 1938 Term will cost each of the six subscribing libraries about \$160.00. This price is based on a proportion of the cost of the negative film which is assigned pro rata to each subscriber plus a fixed charge for the positive copy furnished the library. The master negative will be retained by The Legal Microfilm Association, and any libraries which may later decide that they would like to have the records in this form will be welcome to join the Association and receive the microfilms upon payment of their pro rata share of the original cost. In this way it will be possible to reduce the cost to all as new members are obtained.

The committee having accomplished the purpose for which it was appointed recommends that it be discharged and submits this as its final report.

Respectfully submitted,

HELEN S. MOYLAN, *Chairman*
LAYTON B. REGISTER
HOBART R. COFFEY

PRESIDENT BEARDSLEY: Thank you very much, Miss Moylan. Perhaps some of you may have some questions that you might like to ask Miss Moylan concerning this work. If you have, I am sure she will be glad to answer them for you.

I have this question, Miss Moylan: Are the films of the Briefs and Records

of each case to be together, or will you file the Briefs in one roll and the Records separately?

MISS MOYLAN: They are going to be done as they are arranged in Mr. Drummond's library.

MR. FORREST S. DRUMMOND (Law Librarian, University of Chicago): The way we are arranging is by the page and volume of the Reports. We file the certiorari first.

PRESIDENT BEARDSLEY: The question that comes to my mind is this: We receive the Briefs of the U. S. Supreme Court but we do not get the Records because at the time we were granted the privilege of receiving the Briefs there were not sufficient Records. I was wondering whether we will be able to subscribe to the films of the Records, or will we have to subscribe to the Briefs also?

MR. DRUMMOND: I think the way the plan is set up you will have to take the whole thing. I suppose the Records could be picked out and photographed separately because we wait two or three years before binding them, but I do not think it could be done on the same project.

PRESIDENT BEARDSLEY: If we have to take the Briefs as well as the Records it would eliminate us as a possible subscriber.

MISS MOYLAN: By adding several other subscribers to this project you are constantly dividing the cost of that negative, so it might not be so expensive.

PRESIDENT BEARDSLEY: I am much interested in it because of the fact that sometimes the Briefs without the Records give you a very incomplete picture. We would like to have the Records, although, of course, it would seem on the face of it that it would be an unnecessary expense for our library to have to buy all the films. But I can see very easily why it might not be feasible to separate them.

MR. DRUMMOND: I think you will find, too, that the Records are almost a major part of that file, so it would probably cost less to take the whole works than to pull those out and photograph them separately.

PRESIDENT BEARDSLEY: As I understand then, the price at the present time is about \$160.00 a term. Do you contemplate ever going back of 1938?

MR. DRUMMOND: That is up to the Association.

MISS MOYLAN: We decided to start with 1938. We only have six subscribers and we have been working for several years to arrange this. We naturally want to start in the safest way. If we find that it is successful and that libraries are interested, I think it would be very possible to go back of 1938, but that would be something we would have to work out later.

PRESIDENT BEARDSLEY: It is certainly an interesting field. I think all law librarians ought to be giving considerable thought to all phases of microfilming and its relation to building of law library materials.

Along this same line, we will hear from Miles O. Price the Report of the Special Committee on Microfilm Survey for the Committee on Scientific Aids to Learning.

REPORT OF THE COMMITTEE ON MICROFILM SURVEY FOR THE COMMITTEE ON SCIENTIFIC AIDS TO LEARNING

The Committee on Scientific Aids to Learning is attempting to live up to its name. It is attempting to make records, among other things, available to libraries that now do not have them, specifically materials of various sorts which are out of print and are not covered by copyright, which law libraries would like to have but which have been too expensive to have reprinted.

The proposition, very roughly, is something like this: They have agreed to finance up to a fairly liberal amount a survey made of smaller libraries. That is what they are interested in; they are not interested in the large libraries at all. They have agreed to finance this survey to see if there are enough of various kinds of publications to pay their own way to have them microfilmed, or reproduced in any other way. They are not selling anything and they are not tied up with microfilming, necessarily. As I said before, it is necessary that these things do not have any copyright difficulties, which, of course, severely limits the field of the survey.

Miss Moylan, as chairman of the committee last year, did some preliminary work, and I have looked over the material which she gave to me when I became chairman this year.

Inasmuch as the Committee on Scientific Aids to Learning does not finance anything, it would be necessary for each subscribing library to purchase its own projector. That is an absolute necessity.

The project is supposed to be self-supporting. But, as Miss Moylan's preliminary work disclosed, the project is to be confined to the interests of small libraries, and very few small libraries, apparently, have sufficient money to invest in a projector. These are expensive, and unless we can get them to invest in a projector the thing dies aborning; there is just nothing to it.

So, as chairman of this committee for the past year, I have confined my efforts to interviews with Mr. Stewart, chairman of the Committee on Scientific Aids to Learning, and with one or two other people who are making projectors. I have done so for the reason that the projector situation has decidedly not reached a point where you can safely buy a projector and not find that it is going to be more or less superseded by a cheaper and better one in the near future.

I will admit it is a heresy to make such a statement in a gathering like this, but the fact remains that it is true. I do not feel, as chairman of this committee, that I could recommend any procedure to the Association leading to the purchase by small libraries of a projector for this project until we can conscientiously say that here is a projector which is going to stay put for a number of years and is reasonably cheap and satisfactory.

At the present time there are a number of fairly inexpensive projectors on

the market. The best one I know about is the Argus, which started in at \$50.00 and is now \$95.00, simply because they have not sold enough of them to permit them to sell at a lower rate. That is a lot of money for a small library.

The Committee on Scientific Aids to Learning has spent a good bit of money trying to develop a cheaper projector which will be reasonably satisfactory, and now, within the last few weeks, they feel they have arrived at a device which they can recommend. The thing looks like a megaphone with a slice taken out of it. It is an ungainly proposition. It cost \$1,200.00 to build the one they have and they expect to sell for \$30.00 one which is suitable for only one or two or three slides. Obviously, this is not suitable for the type of work we have in mind, but they will equip it with a reel, and thus adapt it to the use of microfilms, at an additional price of \$15.00, or \$45.00 for the whole. It is a crude looking affair, but it will work.

Another thing I have been greatly interested in, and which I think the committee should investigate before it goes too far on any of this microfilming business, is something that Mr. McKavitt told me about early in the winter. It is Mr. Boni's so-called Readex. The Readex is not microfilm; it is what Boni calls microprint. He can take a sheet of some composition and put a hundred pages on it. You can file that the same as you can file cards in your catalog and you can carry the whole Library of Congress away in a suitcase, almost.

One very valuable feature of the Readex is that you can find your pages in no time at all. This thing, superficially, is so much superior to microfilm for a publication device that I became suspicious because we had not heard much about it. When I say for a publication device, I mean this: Boni claims he is not competing with microfilm because as a copying device for less than twenty-five copies his Readex is not practicable. When you get as many as twenty-five subscribers he claims that his Readex is considerably cheaper than microfilming, and if it works it is certainly a lot cheaper for us.

I have been talking to Mr. Stewart about it and he says that Boni has not been able to show him a finished machine yet. Boni tells me that he now has a finished machine in production. He came down and got about an 800-page brief of the Supreme Court records the other day to photograph and he said he was coming to this meeting. I have not seen him, so I think he may not be here. I do not know whether he has licked the problem or not. As a friend of mine was told once upon a time when he tried to get something in a hurry from the Bausch & Lomb people, "You can't repeal the laws of optics in favor of anybody." So I am not sure that he has the thing done.

Mr. Stewart is willing to do this: He says that Tate of the National Archives is probably the foremost man in the country on microfilming and allied projects. He is willing to pay Tate's expenses to make an impartial investigation of this Boni Readex. Mr. Stewart, himself, says that if it is what Boni says it is, it has these other things beat a long way; but so far nobody has been able to get a demonstration which completely satisfies them, though Boni now says he does have it. For that reason I have been biding my time

this year and have not made any survey of the libraries which would be legitimate prospects. What will probably be done, if we do finally obtain a satisfactory projector, is to film such periodicals as early volumes of the *Yale Law Journal*, some of the out-of-print, not gettable Pennsylvania side reports, and material of that sort.

So this report of mine, as chairman this year, is merely a report of waiting until these projectors "jell," if they are going to jell. As I say, Boni claims that his has, and Stewart claims that the very cheap projector of theirs has.

I would recommend that the committee be continued during the next year to see whether or not there is sufficient development to permit the Association to conscientiously recommend to its members the purchase of a projector for microfilming purposes.

Respectfully submitted,

MILES O. PRICE, *Chairman*

JEAN ASHMAN

ALICE DASPIT

HELEN S. MOYLAN

LEWIS W. MORSE

[It was voted, upon motion by Mr. Johnston, seconded by Mr. Morse, that the Special Committee on Microfilm Survey for the Committee on Scientific Aids to Learning be continued for another year.]

PRESIDENT BEARDSLEY: We hope that next year we will have an equally encouraging report, and possibly a complete answer to the problem. If Mr. Boni should appear before the close of our session we would be glad to give him an opportunity to speak further on this question.

MR. JOHNSTON: May I ask a question?

PRESIDENT BEARDSLEY: Yes, sir.

MR. JOHNSTON: Perhaps I do not understand the purpose that these six libraries have in entering into this microfilm project. I do not quite understand who wants copies of these Supreme Court Briefs and Records and the other things which have been spoken of which can be microfilmed and used.

The Chicago Law Institute and three other law libraries in Chicago, including the University of Chicago Law Library, have arranged and have completed a union catalog. It is about to be microfilmed with the films owned by the First National Bank of Chicago. I think it is disclosing no secret to say that. The original film will be in the Chicago Law Institute. Then there will be two others made. One of those is to go to Washington for our good friend, Mr. Vance. This is a practical project in the use of microfilm, but I do not quite understand who wants the microfilms of the Briefs and Records of the Supreme Court, for instance.

MISS MOYLAN: The University of Michigan Law Library, the University of Pennsylvania Law Library, the University of Iowa Law Library, the Los Angeles County Law Library, and the University of Wisconsin Law Library want them.

MR. JOHNSTON: What practical use would they make of one of these microfilms if they have it?

MISS MOYLAN: They will use them in the same way they would use a book except that, instead of being in a convenient form between two covers which the book has, they will be on film and you will wind them through and read them as you would a newspaper. The New York Public Library finds microfilm very popular in its newspaper work.

Perhaps this is not the proper place to inject this, but I am wondering how you would use the catalog on microfilm. I wonder if there would be any possibility later of re-photographing it.

MR. DRUMMOND: You mean because of the difficulty of keeping it up to date, and so forth?

MISS MOYLAN: Partly that.

MR. DRUMMOND: They have never done much yet in putting catalogs on film. I do not know what they are going to do. They may expect to put out yearly supplements and then in five years do the whole film over. I think probably the main value of this is to keep up to date with current material.

MR. JOHNSTON: I might add to what has just been stated that we are about to employ a cataloger; in fact, we thought we had one engaged but her plan was not such that she could accept it at the time. We are hoping to get someone else to continue the work. We have finished the Author Catalog. I think there are about 50,000 cards. Those will be microfilmed, as I said. The new cataloger will take up the work where this has ended and be employed by the year to continue this, with headquarters in the Chicago Law Institute. I suppose that once ever so often the additions will be microfilmed. Maybe one, two or three microfilms can be made.

I think it is only going to cost about \$45.00 to make the original microfilm, and we can get a second one made at the same time for about \$30.00.

PRESIDENT BEARDSLEY: I think this discussion is very interesting, and particularly that part of it which deals with the microfilming of the union catalog of the law libraries of Chicago.

MR. JOHNSTON: It takes in four libraries.

PRESIDENT BEARDSLEY: Yes. I had a letter from Mr. Drummond about this and I suppose some of you had letters. I am very much interested in knowing whether it is going to be possible to obtain sets of these films. If so, at about what cost?

MR. DRUMMOND: I do not know anything about the cost except what Mr. Johnston has said. I am quite sure it is going to be available, and if they get enough libraries to subscribe it will be less than \$30.00. Once they get the original film, they can make any number of copies after that.

PRESIDENT BEARDSLEY: It will be very valuable bibliographical material to almost any library. Possibly within a few years all leading libraries are going to have projectors, and catalogs of this type are going to be of inestimable value in cataloging our libraries.

MR. JOHNSTON: Are you in a position now to say that if an extra negative can be run at the same time that you want one?

MR. DRUMMOND: I do not think they are ready to tell people that you can have it in two months.

MR. JOHNSTON: I am in no position to give a statement. I am only talking second-hand.

PRESIDENT BEARDSLEY: Undoubtedly we will be a subscriber to it if the price is reasonable.

MR. JOHN J. SWEENEY (Managing Editor, The Connecticut Law Journal, Bridgeport, Conn.): As a very small publisher, I wonder if I may ask a question? I do not know too much about microfilming and yet I am rather vitally interested in the problems of our own state where a good many of our Records and Briefs are not available as generally as they should be. Perhaps my interest is rather selfish now because the Chief Justice has assigned to me the job of making available, in a form book, pleadings taken from the Records of our own Supreme Court.

As I understand it, we could photograph our own Records and then have available a film which would be projected. I was wondering if any comparison had been made between the cost of that method of doing it and taking a picture of our original Record and reproducing by means of the photo-offset.

I do not know whether I make myself quite clear, but I was wondering if, instead of taking a negative and depending on a projector to produce it on the screen, that negative could be printed on a plate and then reprinted on a photo-offset that could be printed on a page that could be read without the use of a projector.

PRESIDENT BEARDSLEY: Mr. Sweeney, you are no more ignorant than I, and I do not think nearly as ignorant as I on this whole question of microfilming. Miss Moylan, can you answer the question?

MR. SWEENEY: There is a process whereby you can take a picture of a book and then, instead of printing that from that film to another film which would have to be projected, the film could be printed on plates which could be reprinted.

MISS MOYLAN: Aren't you talking about what is called photo-facsimile prints? We have had that done. When published, they look very much like the original. Judging from the prices you have to pay for them, they are much more expensive because you do have a more expensive process.

MR. SWEENEY: I found by experimentation in our own work that you can reduce the printed page about one-eighth and still reproduce a record without any projection, but it was the cost that was bothering me. I confess that I did not grasp your entire report. Was the cost \$160.00?

MISS MOYLAN [interposing]: For about 60,000 pages.

MR. SWEENEY: That, of course, would be cheaper than what I had in mind. The reason I am interested is that the Chief Justice has given me a list of about 2,000 Records from which he selected pleadings that were particularly good and asked if we could produce for our libraries and for our Bar a form book based on those Records. Then it developed that they had no extra copies of those

Records prior to five years ago, so any method of reproducing them is very interesting to me. Thank you, Miss Moylan.

PRESIDENT BEARDSLEY: You certainly have a very practical problem on your hands as far as filming is concerned, and I am sure we all would be interested to know how you work it out.

I am interested in this question of filming from another angle which has come to my particular attention in the State of Washington. That is the filming of the original records of the courts which, of course, have never been printed—the Journals particularly. In connection with some historical research in which I have been engaged, it becomes necessary to have these original records. Of course, they cannot be taken from the court and you cannot be trotting constantly all over the state. So I am faced with the problem of getting access to vital material that is necessary for the type of research in which I am engaged.

I recently had a conversation with some of the people of the W.P.A. in which they told me that they are now undertaking filming on a rather extensive scale, particularly of the records of the Works Progress Administration, or one of the organizations which preceded it, and that they thought it was only a matter of a very short time when they would undertake filming as one of their major projects, even to the supplying of the equipment. That is, the government would have its own equipment, leaving to the individual sponsor only the cost of the film and whatever other additional materials they might require.

I do not know whether anybody has heard about that sort of project or not. If so, I would be glad to hear more about it. It certainly would solve the particular problem I have in mind. It might also prove very satisfactory to the problem that you have, Mr. Sweeney.

MR. SWEENEY: I can tell you what we have done and we have found it very cheap. For instance, if you had to replace missing volumes in your library and only wanted one copy for your own library, I can tell you how we have done it in Connecticut. The cost has been about seven cents a page. There were no extra copies of those records.

We manufactured at a cost of \$16.00 what is practically a contact printer. It consists of an ordinary wooden box with eight Mazda lamps. We bought some slow bromide paper. We found out after experimenting that if we took these books that were out of print, laid the bromide paper on this contact printer and opened up the book to the page we wanted to reproduce and laid the book right on that bromide, turned the lights on for about five seconds, we got a perfect reproduction. However, that was only good for one copy. That was the reason I brought up the question.

I was wondering if the committee had run across any process that might be a combination of microfilming and photo-offset, whereby from that one copy we could reproduce other copies. If all you have to do is reproduce one copy it can be done by contact printer very simply. I have just finished doing about 6,000 pages of our own records and the cost ran about six or seven cents a page for the paper, labor, and so forth.

PRESIDENT BEARDSLEY: Thank you very much for your suggestion. It may be helpful in connection with some of these projects which many of us are thinking about.

At our last meeting in San Francisco we made some changes in our By-Laws which provided for a Planning Committee to take up the work of the expansion of our Association and problems which deal with its growth and development. At this meeting we will hear the first official report of the Planning Committee and I am sure you will be interested in what Mr. Morse will have to say about the activities of his committee during the past year.

REPORT OF THE PLANNING COMMITTEE

LEWIS W. MORSE

Law Librarian, Cornell University

Your Committee on Planning for the year 1939-40 makes the following recommendations:

1. *Budget.* For the first time in the history of our Association a budget has been prepared for the next fiscal year. We previously have had a budget for the LAW LIBRARY JOURNAL only. It is an effort to place our finances on a more business-like basis and, of course, means that we will have to operate within definite financial limitations. Our first budget has been estimated at the amount of \$4,243.00. We have attempted to foresee every possible necessary expense. Experience in finances in the forthcoming years will be a great teacher. We are reasonably sure that our Association can operate on this amount during the year 1940-41. A detailed account of the budget has been submitted to the members of the Executive Committee.

Proposed Budget for 1940-41

Receipts

	1938-39	1939-40	1940-41 (Estimated)
Dues:			
Associate	\$ 350.00	\$ 400.00	\$ 380.00
Individual	536.00	579.50	550.00
Institutional	1,079.90	1,232.50	1,230.00
Miscellaneous		1.00	
Subscriptions to L. L. J.	843.90	652.00	650.00
Sales of Back Nos. L. L. J.	185.25	183.75	100.00
Advertising	60.00	302.00	1,075.00
 Total Direct Receipts	 \$3,055.05	 \$3,350.75	 \$3,985.00
From Carnegie Fund to L. L. J.	1,265.84	1,074.83	500.00
From Index Fund	614.94		
 Total	 \$4,935.83	 \$4,425.58	 \$4,485.00

Disbursements

Affiliation Dues, A. L. A.	\$ 20.40	\$ 24.10	\$ 25.00
Committee Expense	35.61	30.00	35.00
Freight and Express	272.82	14.45	15.00
L. Lib. J.:			
Printing	\$2,251.25	\$2,156.50	\$2,150.00
Copyright	8.00	12.00	12.00
Postage	25.74	20.08	20.00
Envelopes	32.50	24.00	24.00
	2,317.49	2,212.58	2,206.00
Postage	113.34	99.16	100.00
Telegraph	1.90	11.23	6.00
Telephone	4.00	2.20	3.00
Messenger	5.70	1.80	3.00
Notary Fees	5.00		
Printing, Supplies and Equip.	78.09	91.65	100.00
Reporting	117.33	128.70	150.00
Salaries:			
Executive Secretary	300.00	* 450.00	300.00
Editor	400.00	400.00	400.00
Assistant to Editor	647.80	600.00	600.00
Advertising Manager		50.00	100.00
Traveling Expense	151.34	125.00	170.00
Miscellaneous	30.38	20.55	30.00
Total	\$4,501.20	\$4,261.42	\$4,243.00

2. *Committee on Promotion.* The LAW LIBRARY JOURNAL is in need of active promotion with respect to sales of back numbers and increased current subscriptions. We have on hand a large stock of back numbers of our JOURNAL. A few issues are out of print. The subscriptions to our periodical have not been increasing but have reached a level and remained there. It is felt that an active committee on the promotion of sales of back numbers and subscriptions for our JOURNAL is necessary. Certain decisions will have to be made regarding the reprinting of the out-of-print issues. Successful work by this committee will result in much needed revenue for the Association. Discussion about this at this time from the floor will be welcome.

This committee could also work on the promotion of subscriptions to the INDEX TO LEGAL PERIODICALS. It is felt that no strenuous effort is being made to encourage subscriptions. If it is necessary to adjust the subscription price to a more reasonable figure, such will have to be done.

I would like to hear discussion from the floor about that. You see, we have this large supply of back issues of the INDEX and the JOURNAL. If there are any suggestions as to how we could manage this, other than to create a committee for the promotion of such a scheme, we wish you would make that suggestion.

Are there a number of librarians present who are anxious to complete their sets of the LAW LIBRARY JOURNAL? [Several hands were raised.] We would like to be in a position where we could offer a complete run of the entire JOURNAL. How many issues are out of print?

SECRETARY NEWMAN: Five issues.

MR. JOHN T. VANCE (Law Librarian of Congress, Washington, D. C.): How many subscribers do we have?

* Includes \$150.00 of salary for 1938-39.

SECRETARY NEWMAN: We have 195 subscribers in addition to the members. Our mailing list is about 550, including members and subscribers.

MR. VANCE: What issues are out of print?

SECRETARY NEWMAN: Volume 1, No. 3; Volume 8, No. 3; Volume 9, No. 2; Volume 12, No. 4; Volume 16 A—that is the 18th Annual Meeting Proceedings number, which is sort of elusive, because it had a limited printing. It is marked Volume 17 but we call it 16 A. It is really No. 4 of Volume 16.

MR. VANCE: Are these 195 subscribers mostly libraries, or are they lawyers?

SECRETARY NEWMAN: The subscribers are mostly law firms.

MR. VANCE: In other words, the libraries are already included in the membership.

MR. MORSE: We feel that we could circulate our JOURNAL outside of our own group more than we are. We are not approaching public libraries; that is, nothing is being done. We take the position of waiting for them to approach us. We ought to be more active and really be approaching them; promoting our own product.

MR. ALFRED A. MORRISON (University of Cincinnati Law Library): What is the possibility of reprinting these out-of-print numbers of the JOURNAL?

MR. MORSE: Our idea is to have this committee consider that, get an estimate and really get that done so that we can offer a complete set. I think we will have to because we have this large supply of back numbers and have these few out of print. It is like any legal periodical: if you do not have the full set it about kills what you have on hand, unless there are some odd issues that are very important.

MR. VANCE: Wouldn't it be better to appoint some commercial law firm to handle the JOURNAL rather than appoint a committee? It seems to me that is the solution because they are better prepared for circularizing the lawyers. They certainly have lists of lawyers who are prospective buyers and we do not have those facilities. We would have to build up such a list. It is very expensive circularizing members of the professions or groups. It seems to me the best solution would be to appoint a law firm as agent. I understand that law books are about the last thing people buy anyway, and law journals are in the same category—at least, nowadays when times are hard.

MR. MORSE: That is a consideration. Mr. President, what do you think is the best way to handle this problem?

PRESIDENT BEARDSLEY: I think it borders on some questions which I raised this morning in my report. In the first place, it comes pretty close to being in the field of the Committee on LAW LIBRARY JOURNAL. I would think that the promotion of the sales of the LAW LIBRARY JOURNAL ought in a way to be the work of the Committee on LAW LIBRARY JOURNAL in any plan that deals with its expansion. That, of course, concerns this whole question of reports which I mentioned this morning. It seems to me we have soon to define the functions and duties of certain committees and stay within those particular classifications.

But answering your question, I think the best way is to have a Committee on Promotion, or whatever you want to call it. Before I saw Mr. Morse's report

I had thought of a committee to do a little more publicity work for us to get us on the map among the various associations, organizations, and so forth. Then when I read Mr. Morse's report it struck me that possibly the same committee might do both functions which he had in mind and which I had in mind, both of which seem to me to be very vital. Perhaps we might even change the name of the committee so as to give it a little broader connotation. I suggest possibly a committee on public relations, but that may not be very appropriate.

However, answering your question definitely, Mr. Morse, it seems to me that if you are proposing a Committee on Promotion and are suggesting that one of its functions is to handle the question of the sales of the back numbers of the JOURNAL in order to fill sets and build sets—to get these numbers reprinted if it is possible to do so—that is a feasible proposition to put before this Association.

MR. MORSE: I would like to include in that the INDEX TO LEGAL PERIODICALS subscriptions. In other words, the committee has felt that no special effort is made to secure additional subscriptions to the Index. Even though it is necessary to adjust the subscription price to a more reasonable figure, that work will have to be done, you see, in order to increase the number of subscribers.

So there are those two publications that really need attention: the JOURNAL and the Index. The committee considering the Index ought to consider this matter of cumulating some of those back numbers; in other words, putting on the market a complete, cumulated Index and adjusting the price of the current subscription to the INDEX TO LEGAL PERIODICALS.

MR. SIDNEY B. HILL (Ass'n of the Bar of the City of New York): Mr. Morse, why wouldn't it be possible for the present committee, or if we create a new committee including the present committee, to have a circulation manager appointed to see what could be done for a year or two?

MR. MORSE: I think that is a very good idea. As I look at the picture, we seem to have left the details in Helen Newman's hands. She has been burdened with details here and details there. The first step we took was to appoint an advertising manager. Now I think we ought to go a step further and relieve her of some of the other details, because we do need revenue. How are we going to get it? One way is to put our publications on a more business-like basis so that we can use them as a source of revenue. We are not seeking to make money, but we are wanting to obtain enough so that we can operate.

PRESIDENT BEARDSLEY: The whole question of promotion is really a question of advertising, too, isn't it? If we advertise our Association among the various coordinate bodies, associations, public libraries and law firms, they will become acquainted with our organization and with our JOURNAL and Index. It is a question, it seems to me, of advertising our Association and of building up an acquaintance with our publications.

MR. DANIEL: Mr. President, would that include the advertising in the JOURNAL?

PRESIDENT BEARDSLEY: No, just publicity work. Of course, if you broaden the scope of your proposed committee—

MR. MORSE [interposing]: I am afraid if we broaden it, Mr. President, we would be giving them too much to do. I was going to take up next this matter of publicity. We do need publicity in the journal of, for instance, the American Library Association, and in the legal periodicals. There are the *American Bar Association Journal* and the *American Law School Review*. In other words, there are opportunities for advertising that we do not take advantage of.

Would it be too much for one committee to study that whole problem? We could have two committees and call one Publicity, and the other Promotion, unless someone can suggest a better name. After all, it is our Index and our JOURNAL and we would like to put them on a business basis. We would appreciate some other suggestions from the floor.

MR. VANCE: How much of the cost of the JOURNAL and the Index is underwritten by our Association?

SECRETARY NEWMAN: The Wilson Company in New York handles the finances for the Index entirely. Of course, we could increase the money in the treasury by getting more subscriptions to the Index. We have not had any loss; in fact, we have had a very good balance in the Index fund for the last four or five years.

MR. VANCE: How much of a balance?

SECRETARY NEWMAN: A couple of thousand dollars.

MR. MORSE: We have had complaints, too, that the subscription cost to each library is too great. We would like to reduce that if we can.

MR. VANCE: We have made a clear profit of \$2,000.00?

SECRETARY NEWMAN: Yes.

MR. VANCE: I do not think we have any kick coming then.

SECRETARY NEWMAN: Except that, as Mr. Morse says, some libraries complain about having to pay \$56.00 a year for the Index.

MR. MORSE: The prices that are charged are quite steep and naturally result in it being kept out of some of the libraries. Every library isn't able to subscribe to the Index.

MR. VANCE: How about the JOURNAL? How much do we lose on that? The proposition is either to increase the sales to make money in order to overcome a deficit or to bring more income into the Association?

SECRETARY NEWMAN: We have been using about \$1,000.00 a year of this Carnegie money to support the JOURNAL. The Index supported the JOURNAL until 1937. Then we had this grant from the Carnegie Corporation of \$5,000.00 and we have been using about \$1,000.00 a year. Of course, we have increased the JOURNAL from four issues a year to six.

MR. MORSE: You see, the Carnegie fund will be exhausted by 1942 and we will have to be looking ahead and seeing where we are going to get our money. We must make this JOURNAL support itself better than it has, you see. That is one of our tasks. Then there is this idea of developing the Index: to have a cumulation of volumes 1 to 18 and reduce the current subscription price if we can.

MR. VANCE: If you have made \$2,000.00 in the last three or four years, we could reduce the price, couldn't we?

PRESIDENT BEARDSLEY: I think there is perhaps a mistaken belief that there is actual profit. It goes to pay for this cumulated volume which we get out every three years. I do not think we really make a substantial amount of money on the Index.

SECRETARY NEWMAN: Mr. Poole said this morning that they could not report the net profit until after this three-year cumulation is paid for. We may not have very much left.

PRESIDENT BEARDSLEY: We are not making enough money so that we are able to take anything out of the Index account for any other purpose. As far as the JOURNAL is concerned, we are operating somewhat at a loss.

MR. HILL: I think it has been the policy of the Index committee to build up this little reserve in order to improve the Index and to increase its frequency. That is why they have held this money in reserve. Their management has been so successful we should not disturb that at all.

PRESIDENT BEARDSLEY: I do not think we can confuse the two propositions from a financial standpoint. We do have to do something to build up more revenue for the JOURNAL. We had to borrow some money from the Index fund a year ago and we have not been able to pay that back. We are behind in the JOURNAL fund. We have to get more money in the JOURNAL fund. One way is advertising. Another way is to furnish back numbers and build up complete sets. We have already made a step in that direction, as pointed out, by the advertising. Then along this whole line is the general policy of promoting the interests of the Association.

Do you think it is too much for one committee? Is that really your question?

MR. MORSE: I wondered. It is quite a large task and, if a committee would do it, it would accomplish something.

PRESIDENT BEARDSLEY: How would it do to have a committee study this question and have it report back to the Executive Committee?

MR. MORSE: How many more years before this Carnegie fund ends?

SECRETARY NEWMAN: January, 1942, but with the increased revenue from advertising I think we can spread it over a longer period; perhaps until July, 1942, provided we receive from advertising as much as we estimate for next year, and also from subscriptions and back numbers as much as we estimate in the 1940-41 budget.

PRESIDENT BEARDSLEY: Mr. Morse, perhaps you had better go on with the rest of your report.

MR. MORSE: I have discussed this matter of publicity and have suggested that something should be done on that through a committee to get ourselves before the public more.

[The formal report continues]:

3. *Publicity.* The matter of publicity of the American Association of Law Libraries is in need of attention. We should have some arrangement with the American Library Association so that some of our activities would be contained in their Bulletin and in the various library journals. The *American Bar Associa-*

tion Journal and the *American Law School Review* should contain more articles concerning law libraries. We need as much advertising as we can obtain in order to publicize what we are doing and in order to have people constantly aware of our organization. This work should be done by a group of our members who are charged with that responsibility.

4. *Cumulation of Index to Legal Periodicals.* A study of the problem of a complete cumulation of Volumes 1-18 of our INDEX TO LEGAL PERIODICALS should be made. The number of volumes of the Index is reaching a point where they are back breaking and discouraging in their use. A complete cumulation of Volumes 1-18 in a few volumes would be welcomed and should receive a very good sale. This is further necessary due to the fact that two of the early issues of the Index are out of print. A complete Index cannot be supplied. The result is that a prospective purchaser will buy the competing Index in its place. The argument of expense of the cumulation has held this project back for years. It is necessary that we know the exact amount it would cost to prepare and print a complete cumulation of Volumes 1-18, inclusive, and then we can make a decision as to what should be done. A complete study should be made during the forthcoming year. Suggestions are welcomed, and it is believed that a committee to accomplish this should be appointed.

MR. MORSE [continuing]: I think it is generally agreed, is it not, that a person using the Index is confronted with that back breaking problem of having to go through each of the 18 Volumes before you strike any cumulation at all? It really is too great a task.

MISS OLIVE C. LATHROP (Detroit Bar Association): Mr. Chairman, may I say that in the city of Detroit I think we would not have any difficulty in getting a great many law firms to buy a complete Index. They use the Index in our library constantly, but they do find it, of course, too expensive and they do not want to buy now all of those back numbers. If you could put on the market a cumulated volume, I think you could increase your sales and that might clear the way for a subscription to the Index as a continuation of the cumulated volumes to the Index. I think law firms have been neglected as subscribers to the Index.

MR. MORSE: That is our strongest field, as Miss Lathrop has suggested. These law firms throughout the country really have some fine libraries and they are becoming more legal periodical-minded now because of the number of law school graduates going into them with legal periodical background. They want to know about the new articles in legal periodicals. We would like to have a committee appointed to study this matter of cumulation of volumes 1 to 18 of the Index.

PRESIDENT BEARDSLEY: A separate committee?

MR. MORSE: You see, after all, we all have limitations on our time. We hesitate to put too much on one committee. Therefore, I think it would be better for the purposes of results to have separate committees: one on the LAW LIBRARY JOURNAL and one on the INDEX TO LEGAL PERIODICALS, to really study each thoroughly and to do something concerning them during this forthcoming year.

I have two more topics.

[The formal report continues]:

5. *Sources of Income.* We are confronted with dwindling income, and steps must be taken to replenish our treasury for the future. This is a delicate problem but one which cannot be side-stepped. Private individuals, foundations, and any possible sources must be approached. Contacts, personalities, good judgment, and other considerations enter into the problem. What is the best way of handling this? A committee will probably be appointed which will be responsible for this work, but we are sure that suggestions and remarks should be made at this time for its help and guidance.

6. *Publication of a List of Law Libraries.* This was formerly done by the Standard Legal Directory. Your committee has thought that it might be possible to include such a list in the very useful Roster Memo furnished us by the Commerce Clearing House each year, providing they are supplied with a complete list. We have corresponded with the Commerce Clearing House. The work of compiling a complete list must be carried on and cooperation must be had with these publishers.

An alternate idea has been advanced. The publishers of the Lawyers Directory, Cincinnati, Ohio, are willing to publish a list of our law libraries in their Directory. The price of this volume to lawyers is \$50.00 and to libraries \$26.50. If a sufficient number of subscribers are obtained, they will make the price to us \$15.00.

It has been suggested that in case we cannot find a satisfactory source for the publication of a list of law libraries that we include these statistics in one number of our JOURNAL rather than discontinue this valuable information. The matter of expense regarding the publication of this is the largest problem.

What is your reaction to each of these plans for the publication of a list of law libraries?

Respectfully submitted,

LEWIS W. MORSE, *Chairman*

THOMAS S. DABAGH

ELDON R. JAMES

OLIVE C. LATHROP

HELEN NEWMAN

MR. MORSE [Continuing]: If you have any ideas as to where we may publish this list, we would be glad to have them. The matter of expense, of course, is the obstacle. I do not know what such an expense would be, but we would naturally like to eliminate it if we can because we have enough financial problems regarding the publication of the JOURNAL without adding that. Yet we would like certainly to include that valuable information somewhere and I know we all use it and all need it very badly. Where should it be? That is the problem.

MR. HILL: Did anyone ever approach the Martindale-Hubbell people? It seems to me that would be the proper place for it if they would consider it.

SECRETARY NEWMAN: They have not been approached.

MR. MORSE: The Committee on Planning feels that separate committees should be appointed: (1) the Committee on Promotion, so-called, that is to handle the problem of the LAW LIBRARY JOURNAL and the INDEX TO LEGAL PERIODICALS—that concerns only the subscription angle of the INDEX TO LEGAL PERIODICALS; (2) is this publicity matter, and (3) is the problem of the cumulation of INDEX TO LEGAL PERIODICALS or the production of some cumulative volume over a certain period of years so that it would meet with popular approval among law firms; (4) is the publication of the list of law libraries.

PRESIDENT BEARDSLEY: Would this latter one possibly include the suggestion made by Mr. Hill to contact some other company?

MR. MORSE: Perhaps we can handle that without a formal committee. What we want mostly are suggestions.

MR. B. BERNARD DRUKER (Iowa State Law Library, Des Moines, Iowa): Mr. Chairman, wouldn't it be feasible to have an associate officer for the business manager? I believe circularization by that manager would get you additional subscriptions. Then if that voluntary sort of work did not get the results you desire you could get a commercial agent to push it.

MR. MORSE: We could try it for a year. I am talking about circulation of the JOURNAL and Index. Perhaps Helen Newman can conclude by answering whether or not in her opinion a circulation manager would be of help to her and of benefit to the JOURNAL.

SECRETARY NEWMAN: I think it would, but you cannot combine the Index with it because the Index is handled by the Wilson Company in New York. They are our paid business managers, so if we are going to do it for the JOURNAL we will have to have it separate.

MR. MORSE: Then we will eliminate that.

PRESIDENT BEARDSLEY: Can you get a circulation manager without paying him a salary?

SECRETARY NEWMAN: We cannot do it with the Index.

PRESIDENT BEARDSLEY: Wouldn't the better plan be to stay with your idea of a committee?

SECRETARY NEWMAN: I think the committee would be better.

PRESIDENT BEARDSLEY: How large a committee do you want, Mr. Morse?

MR. MORSE: It is immaterial just so the result is accomplished.

MR. PRESIDENT, I make the motion that a committee of three be appointed to be known as the Committee on Promotion of the LAW LIBRARY JOURNAL, a second one for publicity and a third one for the problem of the cumulation of the INDEX TO LEGAL PERIODICALS, Volumes 1 to 18.

[The motion was seconded by Mr. Hill.]

MR. HILL: Mr. President, may I ask if the appointment of this new Committee on INDEX TO LEGAL PERIODICALS would affect the work of the present committee?

PRESIDENT BEARDSLEY: I understand that the work would not overlap, just

as the work of the Committee on Promotion of the LAW LIBRARY JOURNAL would not conflict with the present Committee on LAW LIBRARY JOURNAL.

MR. HILL: I may be a little confused, but I still do not see what would be the special function of this new Committee on Index if it is not to overlap somewhat the work of the present Committee on INDEX TO LEGAL PERIODICALS. Personally, I am very much opposed to disturbing the work of the present committee, as I said a while ago. They have built the Index up to where it is self-sustaining now.

PRESIDENT BEARDSLEY: Mr. Hill, as I understand, the purpose of this new committee is merely one of promotion of sales.

MR. HILL: In other words, they are just going to recommend to the present Committee on Index?

MR. MORSE: It is to be more or less a study. Mr. President, in the absence of Mr. Poole and Mr. James, perhaps we had better delay this matter about the Index. We had better see that we do not interfere with their good work. That is not the intention. The intention is to make a survey of the problem; something to relieve them.

MR. HILL: That is something they would welcome, I feel sure.

PRESIDENT BEARDSLEY: As I see the picture, it is one of promotion or selling the idea of a subscription to these publications, and the whole question of publicity, too. In other words, it is a publicity problem from beginning to end, divided into three parts. I do not think there should be any overlapping.

I have a little personal feeling about it, though, as I pointed out this morning. I recommend to the Planning Committee for next year a revamping of this committee structure. We are building more committees all the time. We will have to revamp the structure of these committees and discontinue a lot of them. I do not want to influence your decision in this matter because these are vital questions.

We have, then, before you motions which have been seconded, proposing the creation of three committees to consist of three members each: the first committee to be one to promote subscriptions and sales of back numbers of the LAW LIBRARY JOURNAL and complete sets if possible, getting new subscriptions, and also to enlarge the subscription list of the INDEX TO LEGAL PERIODICALS, to get it into the hands of more lawyers, public libraries, and others; the second committee to have charge of publicity material for our whole organization to give us a little more prestige among other coordinating bodies; and the third committee to deal with a survey of the question of the publication of a cumulative volume of volumes 1 to 18 of the INDEX TO LEGAL PERIODICALS—not to give them authority to do it, but to survey the field and report back. What is your pleasure?

[There being no further discussion, the motion was voted upon and carried.]

PRESIDENT BEARDSLEY: This completes our afternoon program. The meeting is adjourned until tomorrow morning.

[The session adjourned at 5:00 P.M.]

THURSDAY MORNING SESSION**June 27, 1940**

The meeting convened in the Tudor Room of the Royal York Hotel at ten-thirty o'clock, President Beardsley presiding.

PRESIDENT BEARDSLEY: We appreciate your promptness in coming to the meeting. We will begin the morning session by hearing reports of committees. We will hear first the Report of the Committee on Local Law Library Service, which committee was created at the session in San Francisco. Miss Moylan is on that committee and will read the report for the chairman, Mr. Poldervaart.

[Miss Moylan then read the Report of the Committee on Local Law Library Service.]

**REPORT OF THE COMMITTEE ON LOCAL
LAW LIBRARY SERVICE**

The entire question of greater and better local law library service is daily becoming of more and more importance with an ever increasing number of law books and a constantly increasing cost of maintenance and supplementation. It has become obvious to nearly everyone connected with the legal profession that a young lawyer now starting into private practice is seriously handicapped by lack of an adequate legal library. It is only the lawyer with an established practice and a sizeable income who can maintain even the most necessary sets of reports and treatises. The young lawyer of ordinary means either struggles along haphazardly without them, joins a firm which has a sizeable library or opens up in a location where he has ready access to a public legal library or the library of a well established firm.

It is the objective of this committee to organize and develop interest in the improvement of local law library service in order that all lawyers in both large and small communities may have ready access to legal works which are essential to conducting a successful practice. It is one of the aims of this committee to discover, develop and suggest ways of solving this problem and then to conduct a campaign of educational publicity through state bar associations, the American Bar Association, and local bar societies so that definite plans for meeting the problem may be adopted as far as possible in every state.

Your committee will in this report call attention to several approaches to handling the problem with the hope that in the discussion that will follow, further helpful suggestions and constructive criticism may be forthcoming. It is recommended that a committee be appointed to continue the work another year to prepare a final set of plans and to contact bar associations throughout the country in order that they may adopt some form of procedure in establishing a program which will solve the problem or at least improve the situation within their respective areas.

Community Law Libraries

One step toward solving the problem is suggested by establishment of a community law library, in towns where there are at least several lawyers, to house such books as are not in constant use in the individual lawyer's office. Such a library can be maintained simply by having each lawyer place all but his constantly used books in this library or by any one of several methods suggested elsewhere in this report.

The Bar Association of Illinois has had a committee working on this matter for some time. A member of this committee has had correspondence with the chairman of the Illinois Committee on Law Office Management, Mr. Kaywin Kennedy, concerning their plan. In reply to a request for information as to how they had proceeded, Mr. Kennedy replied as follows:

"Relative to establishing a local library, the counties in this State maintain a fairly well developed library for the judges of the Courts of Record which are allowed to be used by the Attorneys in Courts in citing authorities. . . . The books installed in community law libraries range from 100 volumes upwards. The class of books include the Digest system, the West (Reporter) system and early cases of other states. The general purport is to have an extension library of the private library thereby giving lawyers access to any decision they desire to read. Some of these libraries were first acquired by the County Board and others by the local bar association and housed in the Court House. Most everyone is house free. Bar association members pay dues or fees for continued maintenance. They average about \$10.00 per year. The librarian is usually employed at a small salary to check the books in and out while his primary duties generally entail some official duty in the Court House. In those cities where the community libraries are established, use is very frequent. In fact, no reports have shown that they are not used sufficiently to warrant continuance. Where such libraries do not exist the lawyers find it quite inconvenient. They either must travel considerable distances to find their cases for briefing or must pay for a private library, far in excess of what their expense would be if they had access to a community library. An establishment of such a system will not only be beneficial but economical."

The community law library need not be supplied with such little used materials as can effectively be sent out through the state or regional library. In this group of materials, for instance, fall the statutes and official reports of other states, legal periodicals, many of the legal treatises, administrative rules and regulations, and legal miscellany. On the other hand, to be adequate the local library should have as much of the National Reporter System as possible, the American Digest System, current encyclopedias, needed citators, and a few other books generally regarded as belonging exclusively to the reference class. A set of the session laws of the home state could also be appropriately located here. The latest statutes of the home state and its reports in most instances will be found or desired in each lawyer's office library, but a set of these in the community library would prove extremely helpful. It is suggested that provisions can undoubtedly be made in nearly every state by statute or court order

to have these reports and statutes made available without cost to the community law libraries.

In towns and villages without a court house, a legal section may often be established in public libraries, where the regular librarian can supervise the use of law books as a service to her lawyer patrons. This is a possibility that has frequently been overlooked.

Utilizing Public Libraries

A further opportunity lies in utilizing the local public library as an extension of the state law library. Only a comparatively small percentage of lawyers seek direct aid from the state or regional law library which maintains a mail service for out-of-town lawyers. There should be no hesitancy on the part of state and regional law library staffs to encourage local public librarians in suggesting to their lawyer patrons their willingness to obtain for them from the state library books they may wish to consult. Local public librarians in most cases are most willing to cooperate with the lawyers, but it is simply because their help has not been solicited that they are unaware of how much practical help they can be to members of the bar.

Legislative Sponsorship

As an ultimate objective it appears probable that the best solution for improving local law library service will be the establishment of community or at least a system of county law libraries by the legislature. The exact method of maintaining these libraries, of course, presents the really serious problem. An attempt to have such a local law library maintained solely by state, county or purely local taxation might receive considerable opposition because of the limited number of its users and its specialized nature, but probably a portion of the cost can be financed in this manner. A standard system of dues and fees might be provided by law for maintenance of the library. In some instances police court fines, fees received on the filing of actions, or other fees are being collected for maintaining these libraries.

Lawyers' Cooperative Libraries

There will be many instances in which the time is clearly not ripe for obtaining funds through governmental or bar association efforts. In such cases lawyers may assume the task of bettering their legal facilities as a cooperative project among themselves. In some communities office buildings are being erected designed especially as legal centers, containing space for a number of lawyers' offices. Buildings may be planned in such a manner that there is a central room of more than average size which can be used as a library room. Lawyers renting space in the building can arrange to place all but their most used volumes in the library quarters. If two or more lawyers subscribe for the same books or services, all but one can discontinue these and substitute other needed subscription items. A further saving can be effected by ordering all units

of the Reporter system under one name. Some duplicated material can be exchanged by the owners for other needed material. The state or regional library can sometimes be of considerable assistance in effecting these trades.

A Union Catalog Plan

Where lawyers cannot locate within easy reach of a centrally located library, but maintain their offices in separate parts of the town, one aid to increased library service is establishment of a union catalog or subject index of the books owned by the several lawyers in the community, indicating who has what. The secretaries keep a check list of books which are withdrawn by other lawyers and contact the borrowers if the books are retained an unduly long time or are needed by the owner before they are returned. A splendid catalog of this kind was recently prepared for use by the Albuquerque (N. M.) attorneys by the Albuquerque Lawyers' club following suggestions made by a member of this committee. The primary catalog is kept up to date by the court reporter of the District Court in Albuquerque. Each lawyer has been provided with a mimeographed copy of this catalog and it is the plan to issue supplements as needed from time to time. In the meantime attorneys keep in touch with the central depository for information pertaining to the most recent acquisitions. The operation and effectiveness of this plan is now being studied with an eye toward its possible improvement.

Any plan for bettering local law library service which may be selected should have the full support and cooperation of the local bar associations where they exist. Hence, the need for an effective publicity campaign. Such a plan, furthermore, must receive the full support and cooperation of the state law library or a strong regional law library which supplements the local library. Ultimately the state law librarian should provide for these local librarians an opportunity for a little "in service" training, since many of them will lack even the essentials of technical law library training.

Respectfully submitted,

ARIE POLDERVAART, *Chairman*

HELEN S. MOYLAN

THOMAS S. DABAGH

HERBERT V. CLAYTON

PRESIDENT BEARDSLEY: Thank you very much, Miss Moylan, for reading this Report of the Committee on Local Law Library Service. I might add that this is a new committee, as I pointed out at first, which is surveying a new and very important field of service. As the report indicates, it is intended to be a preliminary survey and carries the recommendation that the committee be continued for another year to make more extensive study of this problem.

Miss Moylan, will you submit the proper motion, then, that the committee be continued?

MISS MOYLAN: I move, Mr. President, that the Committee on Local Law Library Service be continued for another year.

[The motion was seconded by Mr. Johnston, voted upon and carried.]

PRESIDENT BEARDSLEY: The next Report is the Report of the Committee on Indexing Bar Association Reports, of which Dennis A. Dooley is chairman. The report will be read by Miss Ashman, a member of that committee.

[Miss Jean Ashman read the Report of the Committee on Indexing Bar Association Reports.]

REPORT OF THE SPECIAL COMMITTEE ON INDEXING STATE BAR ASSOCIATION REPORTS AND PROCEEDINGS

After serving as a member of your committee for two years under the chairmanship of Mr. Lewis W. Morse I was appointed chairman last year. This change was not important because the work has gone along as in earlier years under the direction of Miss Ethel M. Turner, Legislative Reference Assistant in the State Library, and Miss Ethel B. Lewis, Senior Assistant Cataloger.

During the past year we have had a staff of from one to four indexers at work. From time to time there have been changes in personnel which tended to delay progress because of the necessity of instructing the new workers in the plan and method of the index. During the year we have required the services of two typists on practically a full time basis in order to keep up with the typing of the index cards.

During the year several communications were sent to members of the committee to secure their opinions in regard to the form in which the manuscript for the printer would be prepared. The majority voted to publish the index in one alphabet. Before this can be done, however, and since the index cards at present are separate for the various states, it has been decided to type each state index first and then to assemble all the cards in one alphabet and type the manuscript from this collection. So far the index has covered all the years through 1938, but before the final break-up of the state collections it will be possible to complete the index through 1939.

As is shown in the accompanying tabulation, the indexing has already covered a total of 1,773 volumes and is complete for forty-one states. The index cards already prepared total almost 45,000. Three states, New York, Utah and Virginia, have been completed through 1932 and only four states, Washington, West Virginia, Wisconsin and Wyoming, remain to be indexed. In addition eight bar associations not state-wide are to be included. This leaves a total of 375 volumes to be indexed with an estimate of approximately 20,000 cards to be prepared. The complete index will total approximately 65,000 cards. Since it is possible to index approximately 100 volumes per month the actual work on the index should be completed within four months. The staff will then take over the typing of the manuscript. Since this must be done first by states and then for the general index, and the time required for proof reading, etc., it is estimated that the typing will require six months. It should be possible, therefore, to have

the manuscript in the hands of the printer before the Association meeting in 1941. An estimate of the cost of printing can be secured as soon as the manuscript is ready.

By reason of the fact that the Association has been relieved of all expense in connection with this work up to the present time, it is recommended that an appropriation be made to cover the initial cost of the publication with every intention that through the support of the members a sufficient number of copies can be sold to cover all the expenses entailed.

Your committee wishes to thank Mr. Howard L. Stebbins of the Social Law Library and Professor Eldon R. James of the Harvard Law Library for their cooperation in supplying many of the missing volumes. In a few instances it has been necessary to borrow volumes from other libraries, notably the Iowa State Law Library.

Your committee recommends that this report be accepted as a Report of Progress and that the committee be continued for another year for the purpose of completing the work.

Respectfully submitted,

DENNIS A. DOOLEY, *Chairman*

LEWIS W. MORSE

HELEN MOYLAN

JEAN ASHMAN

Indexing of Bar Association Reports October, 1934-June, 1935; July, 1938-May, 1940

WORK DONE	Vol.	Cards	Total Cards
Indexing of State Bar Association Reports completed for 41 states:			
Volumes of Reports indexed	1,773		
Cards typed for above volumes of Reports		33,971	
WORK TO BE DONE			
Volumes of State Bar Association Reports to be indexed:			
4 states—Washington, West Virginia, Wisconsin, Wyoming	158		
3 states (1933-1938)—New York State, Utah, Virginia	39		
Volumes of Bar Association and Society Reports to be indexed:			
8 associations—American law institute; Canadian bar association of the United States; New Hampshire, Grafton and Coos bar association; Association of the bar of the city of New York; New York County bar association; Southern New Hampshire bar association	178		
Total volumes to be done	375		
Cards to be typed			
Copy ready		8,356	
Approximate number on indexing yet to be done		9,375	
Grand total of cards in completed index			51,702

Indexing of Bar Association Reports—Continued
October, 1934-June, 1935; July, 1938-May, 1940

Statistics

STATES	VOLUMES		CARDS	
	<i>Done</i>	<i>To be Done</i>	<i>Done</i>	<i>To be Done</i>
Alabama	52		913	
Arizona	2		21	
Arkansas	46		875	
California	31		327	
Colorado	42		780	
Connecticut	46		424	
Delaware	3		14	
Florida	22		138	187
Georgia	55		1,521	
Idaho	19			448
Illinois	62		1,374	1,930
Indiana	46		909	
Iowa	47		1,639	
Kansas	54		1,872	
Kentucky	40		1,094	
Louisiana	39		753	
Maine	31		113	
Maryland	42		1,872	
Massachusetts	28		2,590	
Michigan	41		731	
Minnesota	35		712	
Mississippi	40		408	
Missouri	46		768	
Montana	8		234	
Nebraska	34		512	
Nevada	27		182	
New Hampshire	37		452	
New Jersey	37		633	
New Mexico	42		423	
New York State	53	7	2,217	*175
North Carolina	43		948	
North Dakota	31		189	
Ohio	59		1,275	
Oklahoma	34		626	
Oregon	31		429	
Pennsylvania	48		2,477	

* Estimated figures.

Indexing of Bar Association Reports—Continued

STATES	VOLUMES		CARDS	
	<i>Done</i>	<i>To be Done</i>	<i>Done</i>	<i>To be Done</i>
Rhode Island	22		68	
South Carolina	42		534	
South Dakota	39			1,024
Tennessee	57			1,572
Texas	57			1,973
Utah	26	3		*530
Vermont	59		624	
Virginia	22	28		*1,423
Washington	1	43	44	*1,119
West Virginia		55		*1,375
Wisconsin		44		*1,100
Wyoming		16		*400
<i>Associations Indexed</i>				<i>L. C. Cards</i>
American bar association	42	12	2,171	*300
American law institute		16		*400
Boston bar association	23		16	
Canadian bar association		25		*625
Indian territory	5		69	
National bar association		2		*50
National bar association of the U. S.		3		*75
New Hampshire, Grafton and Coos bar association		20		*500
New York City		62		*1,550
New York county		30		*750
Philippine Islands		1		*25
South New Hampshire bar association		8		*200
Totals	1,756	375	33,971	17,731

PRESIDENT BEARDSLEY: Thank you, Miss Ashman, for reading this very interesting report.

MR. JAMES: Mr. President, may I just make a suggestion? In view of Mr. Dooley's statement that it would take six months to type this, I think if Mr. Dooley would consult the Spaulding, Moss Company in Boston he could have it photographed in a week right from the cards. All of the corrections can be made with colored pencils on the face of the photostat and sent directly

* Estimated figures.

to the printer. It will mean a tremendous saving of time and, I think, a considerable saving of money.

PRESIDENT BEARDSLEY: I think that should be called to the attention of the committee so they can have that in mind as the work progresses.

MR. JOHNSTON: May I ask one question, or have I missed it? Where have the funds been secured to do the work thus far?

PRESIDENT BEARDSLEY: From the W. P. A.

MR. JOHNSTON: Then may I ask Dr. James if his scheme of photostating will work through W. P. A.? It will not work in Chicago.

MR. JAMES: I do not suppose it will.

MR. JOHNSTON: While I heartily favor your suggestion, we were all overruled in Chicago.

MR. JAMES: Of course, that has its part to play. I am simply making a suggestion of this method, which I regard as a good deal more efficient than the typing method. Whether it is feasible in view of using W. P. A. funds, I do not know. That is for the committee to decide.

MR. JOHNSTON: What I had in mind was the union catalog of four large libraries in Chicago. We made about 50,000 cards and, of course, they were practically copies, with some corrections, from the card catalogs of these four libraries. I wanted them photostated in order to do it in a very short time. They said "No! We have W. P. A. men to work, you are going to use them, W. P. A. is going to pay them, and the libraries are going to furnish the space and the books."

PRESIDENT BEARDSLEY: You have heard the report of the committee. As I see it, it carries the recommendation that the committee be continued so that the work may go on, and that some plan of underwriting the publication of this volume be worked out. I think, of course, that that is a matter that eventually will have to go to the Executive Committee.

MR. LAURIE H. RIGGS (Library Company of the Baltimore Bar, Baltimore, Md.): I move that the Committee on Indexing Bar Association Reports be continued for completion of this work, and that the matter of underwriting the publication of this volume be referred to the Executive Committee.

[The motion was seconded by Mr. Johnston, voted upon and carried.]

PRESIDENT BEARDSLEY: I might add incidentally for the information of the committee and perhaps for the information of all of you, because I frequently get letters regarding this question of Bar Association Reports from Washington, that there have been no Bar Association Reports published for the State of Washington since 1927. At that time we adopted the Integrated Bar Act and the 1927 Proceedings are the last ones which have been published. Of course, they do have Proceedings which exist only in typewritten form and which are not available for distribution to any library. We have to borrow the copy from the local office and make a copy ourselves in order to get one. Of course, it is a tremendous job because it runs three or four hundred pages.

Probably the committee will not want to go beyond 1927 in the indexing of its Proceedings of the State of Washington.

The next report is the Report of the Committee on List of Law Libraries, of which Mrs. Stevens is Chairman, but which will be read by another member of the committee, Mr. A. Mercer Daniel.

[Mr. Daniel then read the Report of the Committee on List of Law Libraries.]

REPORT OF THE COMMITTEE ON LIST OF LAW LIBRARIES

Your committee was first appointed as the Committee on List of Law Libraries in the Standard Legal Directory, but in December the Standard Legal Directory Company announced that their publication was being discontinued. Therefore the work of the committee was held up until after the Executive Committee could meet and consider what should be done about preparing and publishing a list of law libraries.

At its December meeting the Executive Committee decided that inasmuch as the list is extremely valuable, it should not be dropped and that some other medium should be obtained for its publication, but voted to instruct the committee to obtain statistics only from those libraries having 5,000 or more volumes, except in the case where a library of less than 5,000 volumes is a member of the Association.

Accordingly the committee proceeded on this basis. The smaller libraries were dropped from the list, and libraries listed in 1939 as having 4,000 or more volumes were contacted. However, only those libraries showing 5,000 or more volumes in 1940 were listed. The committee has made every effort to add new libraries and to make the necessary alterations and corrections in the old list. Seventeen new libraries of 5,000 or more volumes have been added to the list. We hope that some way may be found by which this data may be made available to the members of the Association.*

Respectfully submitted,

MARGARET D. STEVENS, *Chairman*

EUNICE COX

A. MERCER DANIEL

KATHARINE B. DAY

A. ALFRED DEVITO

MARGUERITE DORAN

B. BERNARD DRUKER

ELIZABETH FORGEUS

MARIAN GOULD

BESSIE MITCHELL

MARÉCHAL NANTÉL

ARIE POLDERVAART

PAUL ROBINSON

HELEN ROSS

THOMAS P. SHAW

MARK H. WIGHT

PRESIDENT BEARDSLEY: Thank you, Mr. Daniel, for reading this report. The work of this committee has been hampered, of course, by some very

* The list of law libraries will be published for the Association by the Commerce Clearing House. Copies will be ready for distribution in November. [Editor's note.]

serious difficulties in which we found ourselves the last time we had our Executive Committee meeting in Chicago. We are glad that at least a partial solution has been made for it and we hope that by another year we can have this whole question completely solved.

The next report is the Report of the Committee on New Legal Periodicals and Bar Association Reports, of which Miss Covington is the Chairman but who, unfortunately, is not present. We will ask Mrs. Long, who is also a member of that committee, to read that report.

[Mrs. Bernita J. Long then read the Report of the Committee on New Legal Periodicals and Bar Association Reports, prefacing the reading with the following comment: Mr. President, I am having a few papers passed out because some of the standards which the committee worked on this last year will be better read than listened to, I think. Miss Covington has had these prepared for you so that you will be able to tell a little more about what we are recommending in the report.]

REPORT OF THE COMMITTEE ON BAR ASSOCIATION PUBLICATIONS AND NEW LEGAL PERIODICALS

With a view to increasing the usefulness of the Committee on Bar Association Publications and New Legal Periodicals, in its present stage, in regard to which question has been raised within the committee itself, and with a desire to make the work of this committee of the greatest service to the American Association of Law Libraries, time, thought and consideration were given to several suggestions. With one exception, these were vetoed as overlapping, perhaps, the work of other committees; requiring more time than the members of this year's committee were in a position to devote; or because it was felt that their undertaking required the approval of our Association or its Executive Committee.

The one suggestion which met with the unanimous approval of this committee, however, was the initiation of a program looking toward the "standardization" of legal periodicals. After communicating this decision to Miss Newman, the capable Executive Secretary of this Association, it was decided to present to the Association at this meeting a list of minimum requirements for standardization for their consideration and approval. There is attached hereto, as part of this report, a list of these standards.

As a second step in this undertaking, members of this committee wrote letters, primarily to editors of bar periodicals, outlining the work it was desired to initiate and enclosing a copy of the standards temporarily agreed upon. Their careful consideration of each item was invited, their criticisms and suggestions requested, and inquiry was made as to the probability of the adoption of the standards submitted. Responses to these few letters were reasonably good, on the whole there was fair approval of the standards submitted, suggestions made showed an interest in the work of, and a realization of the need of, standardiza-

tion, and the tone of the replies indicated a willingness to cooperate. (Suggestions have been tabulated and are attached to the "standards" which form a part of this report.) Fewer letters were submitted to editors of law reviews, from whom some enthusiastic replies were received, both in respect to the program and the standards submitted. One or two replies read substantially as follows: "I am sure our Journal will cooperate with your committee and that we will follow each recommendation in every detail."

This committee recommends that its Association, through its properly appointed committee, request the cooperation of the American Bar Association in the work of securing uniformity in the adoption of such standards for legal periodicals as may be approved by this Association. It also recommends that the American Standards Association and any other organization interested in the outcome of this undertaking be invited to cooperate. This committee feels that all interested organizations should be given an opportunity to express themselves on this subject and to have a voice in deciding upon the standards which legal periodicals will be asked to adopt. This procedure, it is believed, will eliminate confusion resulting from submission of different standards at different times, will give weight and emphasis to the undertaking, and promote cooperation from the editors of legal publications.

This committee again presents for your consideration the question raised last year, namely, the drawing up of a complete list of bar publications, exclusive of reports and proceedings, and not merely a supplementary list.

As a member of this committee, Miss Pauline Gee, of the Yale Law School Library, is preparing a list of new legal periodicals to be published in a later issue of the *LAW LIBRARY JOURNAL*. This committee is fortunate in having the services of Miss Gee, to whom the Association is already greatly indebted for work in this field. Miss Gee is also preparing for publication in the *LAW LIBRARY JOURNAL* a complete supplementary checklist of bar association proceedings. It will bring to date Mr. Frederick C. Hicks' original list of proceedings as it appears in the 1932 edition of his *Materials and Methods of Legal Research*.

This year's supplementary report of Bar Association Reports and Proceedings and other bar publications is as follows:

Bar Association Reports and Proceedings

Alabama	The Alabama State Bar Association has not published or distributed its Proceedings or Reports since 1931. It is reported that it is uncertain when publication will be resumed.
Arizona	The Arizona State Bar Association has not published its Reports or Proceedings for the year 1939 or 1940.
Arkansas	The secretary of the Arkansas State Bar Association reports that the next volume of its Proceedings will probably be published before the end of the current year.
Delaware	The Delaware State Bar Association does not publish a report of its Proceedings.
Louisiana	The Annual Proceedings of the Louisiana State Bar Association have not been published since 1934. It is reported, however, that the Association expects to bring these publications to date.

- Ohio The Ohio State Bar Association has published no bound volumes of its annual Proceedings since 1928.
- Rhode Island The State Bar Association has not resumed publication of its Proceedings.
- West Virginia The 1939 Year Book of the West Virginia Bar Association is now in process of publication.
- Wyoming The Wyoming State Bar Association reports that the 1940 Proceedings will be published and will be available on exchange from the state library.

Other Bar Association Publications

- Alabama Judge Walter B. Jones, Editor of the "Alabama Lawyer," address P.O. Box 708, Montgomery, Alabama, reported that "The Bulletin" published by the State Bar during part of 1939 was discontinued as a separate publication in 1940 and merged with the "Alabama Lawyer," the first issue of which was published in January, 1940. The second issue was published in April, while the third issue will appear in July. The "Alabama Lawyer" is available by exchange to libraries and State Bar Associations. Subscription price is \$2.50 per year.
- Arizona The Arizona State Bar Association has published Rules of Civil Procedure for the Supreme Court of Arizona, also a Code of Criminal Procedure.
- California The Hollywood Bar Association (505 Equitable Bldg., Hollywood, California) resumed publication of "The Brief" with Volume II published in January, 1940. Subscription price is \$1.00 per year.
The Lawyers Club of Los Angeles has not yet resumed publication of the Docket.
The Los Angeles Bar Association has reduced its free mailing list for its "Bar Bulletin." Subscription price is \$1.00 per year. In San Francisco the local chapter of the National Lawyers Guild has issued a report of the Committee on Minimum Wage Enforcement, and a Report on the Dies Committee.
- Connecticut The New Haven County Bar Association Bulletin discontinued publication with the March, 1939, issue. Future publication indefinite.
- Illinois The Illinois State Bar Association published a classified register of its members in 1939.
- Maryland The Maryland State Bar Association has published Synopses of Laws passed by successive meetings of the state legislature, and Digest of Opinions of the Court of Appeals of Maryland.
- New York The Pleader is published by the Kings County Criminal Bar Association, Brooklyn, N. Y., beginning 1, January, 1938.
The Nassau County Bar Association, Mineola, N. Y., publishes a Bulletin, beginning 1, November, 1939.
Onondaga County Bar Association, Syracuse, N. Y., has issued publications during 1939-40. (The fact that they have been published was offered by the Secretary of the New York State Bar Association but copies of publications have not been available.)
Queens County Bar Association, Jamaica, N. Y., has issued publications during 1939-40. The fact that they have been pub-

lished was offered by the Secretary of the New York State Bar Association but copies have not been available.)

In addition to the Bulletin which began publication in March, 1928, the New York State Bar Association issues the following publications:

Lawyer Service Letter, advance resume of judicial opinions, distributed only to members of the Association. Publication started in 1936.

Committee on State Legislation Bulletin . . . prepared by committee and distributed as stated in no. 1.

Circular issued by the Legislative reporter during the legislative session. Distributed to members of the Association, State Legislature, and local bar associations.

Respectfully submitted,

MARY S. COVINGTON, *Chairman*

PAULINE E. GEE

BERNITA LONG

MARIE RUSSELL

WILLIAM B. STERN

APPENDIX TO REPORT OF COMMITTEE ON BAR ASSOCIATION PUBLICATIONS AND NEW LEGAL PERIODICALS

Proposed Standards

(1) NAME OF PERIODICAL

"The name should be distinctive and should contain reference to the state, county, or city in which it is located."

SUGGESTIONS

(1) That this be made stronger by adding " . . . in the first or second word of the title."

(2) That running head on left-hand pages should show name of periodical and that right-hand page should show *specific* article or item.

(2) PAGING OF VOLUMES

"The pages of each volume should be numbered consecutively. Leaves (front- and back-page) which contain nothing but the title page of an individual issue (number) or/and advertisements should not be included in the numbering of the pages of the volume. Where possible, advertisements should not be a part of the signature of a periodical, as that prevents easy removal, and therefore complicates binding. The practice of starting new numbering with each issue (number) should definitely be avoided. Supplements should be included in the volume numbering."

SUGGESTIONS

(1) Cover of individual volume should show number, month, year, and page numberings.

(2) If last page of body is on right and contains advertisements on reverse side that latter *should* be numbered, so as to make the first page of next number, being the right-hand page, start with an odd number.

(3) Pages might be both *consecutively* and *individually* numbered, as some do.

(4) Standard is too restrictive as to advertising, and that in view of the difficulty of securing advertisements, the advertisers should be given the best possible space for their money.

(3) TITLE PAGE

"The last issue (number) of each volume should contain a title page for the volume which can be bound at the beginning of the volume. This title page should not be numbered."

(4) INDEX

"The last issue (number) of each volume should contain an index to the volume. It is advisable, but not necessary, to separate the index into (a) an index of persons, including authors, (b) an index of leading articles by title, (c) a subject index, (d) an index of case notes by name of case or citation."

(5) RULES FOR CITATION

"For citations, generally adopted citation rules should be followed. These citation rules may be found, e.g., in "A Uniform System of Citation—Form of Citation and Abbreviations," 6th ed., published by the Harvard Law Review Association, 1939 (50¢). See also "Citation to Legal Classics," 33 LAW LIBRARY JOURNAL (1940) 27.

SUGGESTIONS

No suggestions for "title-page" standard.

SUGGESTIONS

(1) Dictionary type of index might be better.

(2) Title page and annual index in separate signature to facilitate binding.

SUGGESTIONS

(1) That citations in case notes or comments appear in footnotes, and not in the body, as is sometimes done.

(2) The use of Roman type for citations.

MRS. LONG [Continuing]: I do think we should take up these standards because the committee felt that they should be submitted to the Association. I suspect this is throwing quite a bit at you all at once so you perhaps may not know whether you want to make any suggestions or not. Would you like to leave that over for some other time?

PRESIDENT BEARDSLEY: Is it the wish of the committee that these standards be adopted by this Association?

MRS. LONG: That was the idea.

PRESIDENT BEARDSLEY: I assume the committee has studied these in connection with the standards set up by other organizations. Isn't there some other organization that sets up standards for publications generally?

SECRETARY NEWMAN: The American Standards Association.

MRS. LONG: Miss Covington did not say that they had made up a list but we understood they were going to.

PRESIDENT BEARDSLEY: You have been studying these recommendations of the committee in light of these policies and recommendations of this other Association, have you not?

MRS. LONG: According to Miss Covington, they could not find that any recommendations had been made as yet. She thought they were going to draw up recommendations, and we decided to draw these up and work in cooperation with them.

PRESIDENT BEARDSLEY: I think it is a very excellent thing, by some plan to

do something toward standardization. I wonder, though, if we as an organization want to approve these standards without further study.

MRS. LONG: I think perhaps it is going a little fast to do it this morning.

PRESIDENT BEARDSLEY: Do I hear any comments from anybody?

MR. CHRISTIAN N. DUE (Connecticut State Library, Hartford, Conn.): Can we lay it on the table until tomorrow?

MR. JAMES: Would it not be wiser to refer this matter to the Executive Committee, with power to act?

PRESIDENT BEARDSLEY: It strikes me that it would.

MR. JAMES: Just to bring the matter before the Association, I move that the report be accepted and that the recommendations be referred to the incoming Executive Committee for further consideration, with power to act.

[The motion was seconded by Mr. Daniel, voted upon and carried.]

MR. JOHNSTON: May I ask a question? Perhaps I did not get it clearly. After the Association is satisfied that the final recommendations ought to be adopted by all of these periodicals, what will be the method of coaxing them to do it?

PRESIDENT BEARDSLEY: Can you answer that, Mrs. Long?

MRS. LONG: I presume we would have to do about as we did this year; that is, we wrote to them for their suggestions. Most of them thought these standards were very good. A good many of them are already following them, of course. It would just be a matter of educating the editors into using them. There is nothing else that we can do except suggest.

PRESIDENT BEARDSLEY: We all know there is need for improvement in some of them so anything we can do to standardize the form will be a great advance. This practice of putting the index on the back of the title page is one that certainly should be stopped.

We now have the pleasure of hearing the paper of Mr. Frank Chipman who, unfortunately, is not able to be present. It will be read for us by one of our visiting guests, Mr. Ervin Pollack. The title of the paper is "The Law and the Books." I know it will be interesting because it is drawn from the long experience of a very great book salesman.

[Mr. Ervin Pollack, Columbia University Law Library, then read the paper prepared by Mr. Frank Chipman.]

THE LAW AND THE BOOKS

FRANK E. CHIPMAN

The reign of law, over that portion of the human race that had become sufficiently civilized, dates back to ages ago, but the importance of the books in connection with the law is a matter of comparatively recent years.

Ancient Law. Forty or more centuries ago a code of laws, known as the oldest code in the world, was promulgated by Hammurabi, King of Babylon. After a preface with a bit of self-glorification, perhaps not unwarranted, there

follow 282 sections regulating almost every conceivable incident and relationship of life. Not only are the great crimes dealt with and penalized; life is regulated down to its most minute details. There are marriage and breach of promise laws, laws for the guardianship of the widow and orphan, irrigation laws, anticipations of modern land legislation, and licensing laws which would surprise "the trade" of the present day. They are arranged in a definite and logical order, based upon accepted judicial decisions. No such complete regulation of the affairs of human life was known elsewhere in ancient days until Roman law asserted its power over the world.

It is now definitely ascertained that the code is based on other codes that preceded it. In the Yale Babylonian collection there is a tablet written in the Sumerian language which seems to be a prototype of the code. Although it is not dated, the script indicates that it is older than the Hammurabi Code.

The next great historical lawgiver of ancient times after Hammurabi was Moses. The laws of Moses were based on the ten commandments which tradition tells us were originally carved on tablets of stone. They have not been reduced to the form of a code like that of the Code of Hammurabi, but appear from time to time in the various books of the Old Testament. Some legal historians claim that the laws of Hammurabi were passed on and adopted by the Hebrews, but this is denied by Cook in his book on the Laws of Moses and the Code of Hammurabi.

They begin as primitive customs which are gradually ameliorated with the process of time, in later times incorporating many things from the Babylonian law, but it is difficult to separate the different stages of the Hebrew law. Those parts which were passed on to the Romans and by means of the Scriptures and medieval priestly judges have exerted a great influence on the medieval and modern law.

Roman Law. In chapter 44 of Gibbon's *Decline and Fall of the Roman Empire* is traced the Roman jurisprudence from Romulus to Justinian. The Roman law was composed of the rescripts of the emperors, the edicts of the praetors and the written reasons of the Roman jurists. "The modern world is indebted to Rome for its classification, general theory, and method of applying the law. It is impossible to conceive what our legal systems would be had not the Roman jurists labored for centuries upon the general principles and particular rules that gradually created the finished law of Rome."

"The Romans as a race had a special genius for law, but it required ages for that genius to develop, and almost a thousand years for Rome to acquire the wealth of legal experience that was needed to produce such jurists as Gaius, Pomponius, Scaevola, Papinian, Paul, Ulpian and Modestinus, not to mention a host of others, some of whom are known and still more are unknown."

In the space of ten centuries, the infinite variety of laws and legal opinions had filled many thousand volumes which no capacity could digest. In the early years of the sixth century, at the instigation of Justinian, the civil jurisprudence was digested in the Code, the Pandects and the Institutes. The Institutes were divided into four books. They passed from I. Persons, to II. Things; and from

Things to III. Actions; and the article IV, Private Wrongs, is terminated by the principles of criminal law.

More than twelve centuries afterwards Blackstone divided his Commentaries into four books: I. Rights of Persons; II. Rights of Things; III. Private Wrongs, and IV. Public Wrongs. He was wed to English traditions and institutions, though he admitted the general excellence of the Roman law and the usual equity of its decisions. He must have reasoned that his division was the natural one and he adopted it regardless of the Roman classification.

The Code was written in Greek and, when completed, was sent throughout the eastern dominions. A Latin version was sent to what remained of the Western Roman Empire where it was soon forgotten, if it was ever generally known.

English Law. "The law of England," writes an eminent English historian, "is a somewhat rough and wild-grown accretion of time and chance, change of varying dynasties and systems, of foreign innovations and sudden temporary devices." This fairly describes the situation from near the beginning of the Christian era to the middle of the twelfth century when the first step was taken to provide a system of civilized law.

For nearly the first four hundred years of that era Roman law prevailed in the communities where the inhabitants were congregated and where they became much Romanized, where Roman law prevailed and Roman jurists dispensed Roman justice. There is a tradition that the three greatest among them, Papinian, Paul and Ulpian, once sat together as a court at the Roman capital of the province, now the City of York. In the century that followed the abandonment of England by the Romans nearly every vestige of Roman jurisprudence eventually disappeared.

For some five hundred years after the Romans had withdrawn, the country was ruled by Saxons and Danes. The crude rules and customs of the Saxons prevailed until the seventh century when Christianity was established. The civilization which had fled before the sword returned with the Christian faith. The churchmen reformed an existing Saxon institution into the county court over which the bishop generally presided. He or his priestly advisers could alone expound the law, and they undertook to apply the principles of the canon law to the settlement of secular disputes.

During the closing years of the ninth century the Saxon King Alfred saved the country from utter ruin. Hume tells us that he framed a body of laws which Blackstone declares was an important factor in the development of the English law. The similarity of these to other laws shows that Alfred contented himself with reforming, extending and executing what he found previously established, so that suddenly everything bore a new face in England.

This happy condition soon ceased, and for three generations Danish rule again prevailed until early in the eleventh century the Saxon line was restored in Edward the Confessor. He had passed his early years as an exile in Normandy, had received all his education there, and while he was on the throne did all in his power to introduce the Norman institutions and manners. He pro-

mulgated a book of laws and, though the copy that has come down to us is believed to be spurious, it was evidently founded on the Norman tradition, but to contain some Saxon and Danish provisions which had become the customary laws of his subjects. That it was largely Norman in principle may be presumed since William the Conqueror proclaimed that he would uphold those laws subject to his interpretation thereof.

We may fix the inception of the common law as a system of jurisprudence at the middle of the twelfth century when the Norman lawyers of Henry II began to rear in England a structure of civilized law. He "came to the throne after a long period of judicial anarchy to find countless systems of law administered by a confused and confusing mass of popular courts and feudal courts. He at once set himself to bring order and unity out of anarchy and chaos. He made the King's Court the common law of the land; he determined its jurisdiction as against the church, the lords and the sheriffs; and he made it the guardian of a King's peace, which should protect the high and low throughout the whole land." He established the government of his kingdom on a foundation of law and justice, and created an effective and pure administrative machine. "The King's Court now began to develop a common law, partly Anglo-Saxon, partly Norman, but molded largely by Henry's formal or informal legislation, and tempered by equity."

Glanville. Henry's illustrious reign ended about the middle of 1189. Just as it was about to close there appeared the first of our classical textbooks. The reputed author was Ranulf de Glanville, scion of a prominent Norman family. In 1180 he was appointed Chief Justiciary and continued in office during the remainder of the reign. He called his book a Treatise on the Laws and Customs of England. In his preface he states that to reduce these "into writing would be, in our times, absolutely impossible, as well on account of the ignorance of writers, as of the confused multiplicity of the laws. But there are some, which, as they more generally occur in court and are more frequently used, it appears to me not presumptuous to put into writing, but rather very useful to most persons, and highly necessary to assist the memory. A certain portion of these I therefore intend to reduce into writing, purposely making use of a vulgar style, and of words occurring in court." The introductory part of the preface is in imitation of that of Justinian's Institutes and seems strangely to have taken the fancy of the law writers of the age as it is more or less followed by Bracton and Fleta. That Glanville knew the whole of the Institutes of Justinian seems unlikely, but more likely that he had read some part of the Summa of the Great Gloss of Accursius by Azo, a distinguished teacher of the law in the University at Bologna, Italy, which repeated and arranged the Institutes with some part of the Code.

The book is a treatise on remedial procedure, built on the framework of 86 writs, the exact terms of which are set forth in the text. It shows the working of the royal court. The law contained in it is mostly land law, for with that the royal court was then most chiefly concerned. It marks an important stage in the development of the common law. Later writers have

made free use of writs, but here they are the skeleton of the whole work. They fulfill the function of the judgment rolls in Bracton's book and of the decisions in Coke and later writers.

The Plea Rolls. We are indebted to the Norman scribes who prepared the Plea Rolls, the official record of litigation in the King's Court. They go back to the year 1194 and were later to play an important role in the development of the common law. They were for the sole use of the judges; even the lawyers appearing before them were not allowed access to them. Professor Bolland thus describes them: ". . . the record was drawn up for the purpose of preserving an exact account of the proceedings in the various cases which came before the court. It tells us the names of the parties to an action, the nature of the action, the plaintiff's statement of his case, the defendant's defense, and the pleas upon which both parties finally rested their case, the issue left to a jury, if an issue was left to one, the verdict of that jury if one was ever delivered and the judgment of the court upon that verdict."

The long roll of the priestly judges who, for two hundred years, sat in the King's Court, steadily maintained the prerogatives of secular government. They were a very capable set of men and sound lawyers. They laid the foundations of the common law in accordance with the best legal thought of the time.

Bracton. Two hundred years after the Norman conquest the condition of society had become vastly improved, but the relations among men were still simple. About 1260 the first real treatise on the common law was written by a priestly judge whom we know as Bracton. The common law at that time was showing a capacity to redress every civil wrong and to protect every civil right. He tried to find every kind of case that had arisen. From the Plea Rolls he culled the materials from which he composed his great work, citing nearly five hundred decisions of the King's judges, paying special attention to the decisions of those two great priestly judges, Pateshull and Raleigh, who were on the bench in his early years. With this material, together with the writs that had come into use, using the Roman classification, he tried to fit the decisions of the courts into the field of law. He owed a great deal to the work of Azo, but the substance of the work is English. It gives the most extensive exposition of the English law that the middle ages have to show, and it is distinguished by rich casuistic details and by the careful reproduction of the judicial decisions on individual cases of law.

The broad sweep of Bracton's work was very probably too broad for the busy lawyers in the last years of the thirteenth century, and the compilations of Britton and Fleta are evidence that they found Bracton too massive and took to shortening his text as well as modernizing it. Britton hit upon the idea of a draft code in the vernacular and Fleta surveyed the law from the standpoint of the Crown, the royal household and royal legislation.

Bracton little thought that he was laying the foundation of a new system of jurisprudence that was to become the great rival of the civil law. He could not know that his new doctrine, that the authority for the law was to be found

only in the decisions of the courts, would cause the formation of the great collections of legal literature that now exist in those countries where the common law prevails, particularly in the United States where the greatest of the law libraries have been assembled.

The Doctrine of Stare Decisis. This doctrine, which is peculiar to the common law, was first advocated by Bracton. In his treatise he tells us "that since law and customs are often perverted by the foolish and unlearned and those who are involved in doubts and vague opinions are frequently led astray by their elders who decide causes rather by their pleasure than by the authority of the laws, English laws and customs, when they have been approved by the consent of those who use them, cannot be changed nor abolished without the common consent of all those by whose common consent and counsel they have been promulgated. They may be converted into something better, for that which is converted into something better is not abolished. If any new and unaccustomed cases shall emerge, let them be judged after a similar case, for it is a good occasion to proceed from like to like."

This theory of Bracton's was not uniformly accepted by his associate judges who contended that they would decide causes on their conscience. A hundred years later some of the judges were contending that the law was "the will of the justices" and Stoner said "nay, the law is reason." Again in the time of Henry VI the court said "the law is founded upon reason, and that which is reason is law." Coke declared that "reason is the life of the law, nay the common law itself is nothing else but reason." Thus Bracton's theory became a settled principle of the common law.

The Year Books. The earliest books that have any resemblance to the reports, we call the Year Books. It is difficult to discover in them anything which throws light on their history, or in the literature of that era as to their origin, development, method of reporting, publication or use. They are unique because there are no books like them in any other country or in England of a later date. They record not only the decisions handed down but also an account of the daily happenings in court, the reproofs of the bench to the bar, the equivocations between counsel and anything that seemed of general interest.

They have been described as a collection of reports of cases decided in the English courts of common law. They were made by the scribes of the courts and published annually at the expense of the Crown. This was the view of the legal writers from Plowden to Blackstone, but now questioned by Pollock and Maitland, who think that they were published for private gain as the manuscripts were found in private hands and not among the public records. They extend from 20 Edward I to 27 Henry VIII, approximately from about 1292 to 1536, when they were followed by the individual reporters. They are not now often cited in the opinions of courts, but they are of great historical value and a thorough study of them in recent years has thrown much light on many abstruse legal problems.

The New Era. Reeves, in his *History of the English Law*, tells us that the old English law ended with the reign of Elizabeth. The law as interpreted by Bracton was followed by its interpretation by Coke. It is generally admitted that he was the "most profound oracle of the common law in the history of English jurisprudence." The age in which he lived was one of transition, one in which the nation was slowly emerging from mediaevalism and taking on new life, its people showing a new vigor and claiming the right to share in the guidance of their own destiny. Lord Campbell says of Coke that "unfortunately his mind was never opened to the contemplations of philosophy; he had no genuine tastes for elegant literature; and his disposition was selfish, overbearing and arrogant." The great works on which his fame largely rests are his Reports; the Commentary on Littleton, which he says contains the whole common law of England, as it then existed; and the Institutes. Competent writers say that in his Reports and in his Institutes he wrote down errors which were not merely due to a lack of knowledge, but often he had purposely misquoted the authorities he cited. His style was as crabbed as his temper and his conduct.

Coke dominated English legal learning for nearly two hundred years, down to the time of Blackstone whose fame rests almost entirely on his Commentaries. His reputation as a pleader or judge was not such as to outlive him, though his judgment in the case of *Perrin v. Blake* has been called "one of the most valuable pieces of legal reasoning on record." The opinions on the merit of the Commentaries differ widely. One writer tells us that, "like a bee among the flowers, Blackstone has extracted the sweet essence of all former writers, and left their grosser matter. We find in the Commentaries the copious learning of Coke, the methodical arrangement of Hale, Gilbert and Foster, combined with the smooth and pleasing style of Addison and Pope." Another states that as long as he confined himself to accurate statement of what had been buried in the cumbrous language of lawyers like Littleton, he was unsurpassed, but was not qualified to explain the reasons for the law, its merits and defects. Notwithstanding its defects, the dignity and charm of its style has made it the best known, and in many respects the most influential, treatise on English law.

The Civil Law and the Common Law. There is a wide difference of opinion among judges and lawyers as to the influence of the Roman upon the English law. Some are of the opinion that the common law was developed without the aid of any other system, while others have declared that practically everything in the common law had come from the civil law. The great difference between the two systems is the doctrine as to the authority for the law. Under the civil law the writings of the lawyers were taken as authority, the system being called one of philosophical reasoning. The common law is called a system of precedents based on judicial decisions.

It is certain that the civil law has had a tremendous influence in the development of the common law. For hundreds of years priestly judges, whose

knowledge of the law was derived from Roman sources, were on the English bench. Bracton collected their decisions and fitted them into his book with a Roman classification. In *Coggs v. Bernard*, Chief Justice Holt brought into the common law the whole of the Roman law of bailments. In the reign of George II, England had become a great commercial country, but legislation had done nothing to regulate commercial transactions. Lord Mansfield, instead of proceeding by legislation, thought it wiser to introduce improvements gradually by way of judicial decision. He absorbed into the English law from the civil law the law of corporations, agency, insurance and the equitable doctrines of the Roman law of quasi-contracts.

English law adopts suggestions from the outside hesitatingly, but if at last it adopts them they are transformed into specifically English institutions. The whole body of the Roman law was never incorporated into the common law, but that many of its principles were drawn into it is certain because of the justice, universal reason and system of the civil law; but when those principles were so drawn upon they were transposed into distinctly English law.

The Common Law in America. The earliest settlers in many of the colonies made bodies of law. In some cases they expressed an adhesion to the common law, but the actual administration of justice was usually of a rude kind in which the refined distinctions of the older system had no place. A technical system of law must be administered by trained lawyers, and these were generally not found in the colonies during the seventeenth century, and even far down into the eighteenth legal administration was in the hands of laymen in many of the provinces.

There were no lawyers in Massachusetts for more than a hundred years after its settlement, and at the outbreak of the Revolution that state had a bar of only twenty-odd members. The situation in Virginia was different. By the middle of the seventeenth century nearly every Virginia gentleman was a lawyer and a justice of the peace. No books being available, they first imported works on conveyancing and magistrates' practice, then of the greatest importance. As early as 1732 they owned the treatises by Coke, Swinburne, Fitzherbert and others; abridgments of statutes by Rastell and Pulton; and the reports of Coke, Kenyon and others. The Virginian not only prized the traditions and principles of English jurisprudence, but also owned the best legal works of his day, and from these fitted himself for legal and governmental positions.

After the adoption of the Federal Constitution in 1789, it became necessary to adopt some form of legal procedure for the new Supreme Court. A powerful political organization sought to have the French or civil law adopted. Finally the Anglo-American system was adopted, based on the general principles of the common law that our ancestors had brought with them, but who had adopted only that portion which was applicable to their situation.

Conclusion. The advent of the doctrine that decisions of the courts were evidence of the law made the law library the adjunct of the court. It is

difficult to learn what books were in the law libraries at the beginning of the nineteenth century. The mass of legal literature was comparatively small. A few volumes of reports of American decisions had been published. A number of reprints of the English reports had been issued from the small print-shops in New England and elsewhere and from the publishers in Philadelphia. These reports, with some textbooks and scattered volumes of statutes, probably made up the library. There were no librarians, frequently no caretakers. There were probably no accession records or catalogs nor any particular system in shelving the books.

Towards the middle of the century an interest in legal bibliography began to develop. In 1847 Marvin published what he called a *Thesaurus of American, English, Irish and Scotch law books*, with some Continental treatises, with observations on their various editions and authority. About the same time Wallace wrote an article for one of the law magazines which he called *Reporters*, chronologically arranged, with remarks upon their respective merits. The article was enlarged to book form and brought down to date with additional notes in 1882. In 1883 Soule published his *Lawyer's Reference Manual* of law books and citations. These books were of great help to the small group of enthusiastic librarians. In 1892 the Association of the Bar of the City of New York published a catalog of its library. This was widely distributed and became at once the *vade mecum* of law librarians.

By the last quarter of the century some of the state and association law libraries had made considerable progress, but the university law libraries were undeveloped, the Harvard Law Library in 1880 having but 20,000 volumes, and none of the others had developed to that extent.

Since the beginning of the present century law library development has been rapid. Now the greatest collections of legal literature in the world are in the law libraries here. Holdsworth has said that for extended research it is necessary to come to America.

Until the formation of the American Association of Law Libraries there was no cohesion among the law librarians. The first meetings seem to have been for the purpose of good fellows to get together, and only incidentally to discuss library problems. Fortunately that spirit has disappeared and it has become an accepted authority on law library management and its cooperation has been sought by other associations where law library problems exist. Its influence has been to raise the status of the librarian to the dignity of a profession.

One step forward seems necessary: the formation of a library school for law librarians. Possibly such a great central school could be provided for in connection with the Library of Congress, or the necessary instruction given by means of a special course in several of the widely separated great universities.*

* A course in law librarianship was instituted at the University of Washington beginning with the academic year 1939-40. A summer course in law library administration has been given at Columbia University since 1937. Doubtless, other universities will, as Mr. Chipman recommends, follow the lead of these two great universities and add courses in law librarianship to their curricula. *Editor's note.*

Because of the thousands of decisions of our courts that have been printed during the last century, decisions that follow, qualify or overrule each other, a serious condition has arisen, so serious that one great jurist has expressed the fear of the likelihood of the breaking down of our Anglo-American system of jurisprudence unless some drastic reform is accomplished. Prominent laymen have become dissatisfied with the operation of the law. We hear the criticism that in the practice of law, because of our blind devotion to precedent, the aim is not to establish substantial justice between the parties to an action but to play the game according to the rules; to observe the forms regardless of inherent rights; that the court is no longer a dispenser of justice, but an umpire in the professional game played by the opposing counsel. [Applause.]

PRESIDENT BEARDSLEY: Thank you very much, Mr. Pollack, for reading this very interesting paper.

MR. RIGGS: Mr. President, I think that some notice ought to be made of the fine paper that Mr. Chipman wrote. It is an unusual paper and I think we ought to show our appreciation of it in some way. I, therefore, move that the Association extend a very cordial vote of thanks to Mr. Chipman for his scholarly paper and our regrets that he was unable to be present.

[The motion was seconded by Miss Lathrop, voted upon and carried.]

PRESIDENT BEARDSLEY: Now we have the pleasure of listening to a paper by Miss Alice Magee on the "History of the Courts of Louisiana." I believe that Miss Magee is going to summarize her paper and probably will not read it in its entirety.

MISS ALICE MAGEE (Louisiana State Library): Mr. President, Ladies and Gentlemen, I am very sorry that I was not able to be with you yesterday. I left Baton Rouge late Monday night where I had been most of the time for the past month battling with a most economical legislature. Of course, everybody in the state knows Louisiana's necessity for such a legislature. But the State Library required an increased appropriation and I am happy to say we got it. [Applause.]

My paper, "History of the Courts of Louisiana," dates back to 1712 when Louis XIV, King of France, became the first ruler of the government. The period 1712 to 1803 is known as the French-Spanish period. Although I have tried to condense the constitutional, legislative and historical interests, omitting also many interesting reminiscences of the great judges of the past, still it is a voluminous paper and I think it would be better to hand it over to Miss Newman for the LAW LIBRARY JOURNAL rather than to monopolize this time. If the President is willing, I will turn the paper over to Miss Newman.

PRESIDENT BEARDSLEY: Thank you very much, Miss Magee. Your presence has brought us a great sense of relief and satisfaction.

MISS MAGEE: It is worth while coming this distance to hear that.

PRESIDENT BEARDSLEY: Your paper will be published in the JOURNAL and we will have a great deal of pleasure in reading it at that time.

HISTORY OF THE COURTS OF LOUISIANA

ALICE M. MAGEE

*State Librarian of Louisiana***French Period**

In 1683 France by the right of discovery exercised sovereignty over the lower Mississippi Valley. It was called The Province of Louisiana. New Orleans was the capital. The province was governed without any charter by officials sent from Paris.

The first ruler of Louisiana was Louis XIV, King of France, who said "the nation has no corporate existence, it relies entirely in the person of the king, L'état c'est moi." The first government of Louisiana was one of military men who exercised the functions of civil government; they were accustomed by long usage to service as judges and managers of colonies.

The Royal Grant of September 14, 1712, from Louis XIV for the establishment of the province of Louisiana extended the law and protection of France to Louisiana. A Superior Council was created. It was our first court. A Royal Edict of 1712, December 18, states: "First establishment of a Superior Council to decide all cases either civil or criminal." One of 1712, December 23, states: "We give power to the Superior Council to decide in the last resort during three years to commence from the first session which will be held in execution of these presents, to control all process and cases, either civil or criminal, arising among and between our subjects in said province and this without any expense to them whatever." There were subsequent edicts which clarified but did not change the basic duties of the Superior Council. The Superior Council was the court of last resort, there being no right of appeal from it. The court consisted of laymen in the majority.

In 1720 or 1721 the colony, upper and lower, was divided into nine districts. Our records do not contain the edict, but according to Gayarre the districts were New Orleans, Biloxi, Mobile, Alabama, Natchez, Yazoo, Natchitoches, Arkansas and the Illinois. A local commander and a judge was assigned to each, "to put justice with greater ease in reach of the colonists." Appeal was allowed from the lower division to the Superior Council sitting at Biloxi. There is nothing to show the territorial jurisdiction of these districts, but it would by inference appear that the present State of Louisiana was comprised within the New Orleans and Natchitoches division.

There was no Code of Practice or prescribed procedure. The sole object was to hear each party on the facts and to render justice accordingly.

In December 1725, an inferior court, with both civil and criminal jurisdiction, was established in New Orleans. It was the first court exclusively for New Orleans. The archives of the Superior Council from the organization under the Edict of 1719 to the Spanish period beginning with 1762 comprise deeds, mortgages, marriages, contracts, wills, inventories, records of trials, civil and criminal opinions and judgments.

Colonial Louisiana—Spanish Period

On November 3, 1762, Louis XV, King of France, "by the pure effect of the generosity of his heart, and on account of the affection and friendship" which he felt for his cousin, Charles III of Spain, made to the latter a gift of the country known by the name of Louisiana, as well as New Orleans and the island in which that city is situated. Spain retroceded to France by the treaty of St. Ildefonso October 1, 1800.

Little is known about the judicial side of Spanish regime in Louisiana. Although France ceded Louisiana to Spain in 1762, the French Superior Council continued to function until 1769 when the Spaniard O'Reilly came with an army and "extinguished French and Creole rule in the blood of the leaders," and brought in the laws of Spain. He created a new "political and military" unit which he called The Province of Louisiana. O'Reilly created not only a provincial government but a Municipal Council for the City of New Orleans called a Cabildo, a form of local government originating in Spain. The Cabildo had (according to the ordinance of November 25, 1769) two particular functions; first, a quasi deliberative body in which capacity it administered the affairs of New Orleans the same as any other body would do it now, but always in subjection to the governor; second, as a judicial body it sat as a court of appeal in judicial matters in civil cases only. It had cognizance of Civil Appeals from the Governors Court and the Court of the Ordinary Alcalde when the sum did not exceed ninety thousand maradevi, about \$3.30 of our money. Judgments above that sum went to Audiencia (a Supreme Court) created at Havana for that purpose. It must be said that the Spanish records are more valuable than the French Archives because our early codes are fashioned from the Spanish period—frequently our Louisiana Reports cite some case that refers to the old Spanish law.

Henry Plauche Dart, historian, authority on the civil law (from whose writings much of this information has been taken), says: "No writer so far has examined the records of the Cabildo still to be found in Spain, and while we may supply from our archives something to help I fear it will remain true, when our work on the archives is finished, that the history of the Cabildo has not yet been written." His prediction was prophetic.

Mr. Dart (the mention of whose name quickens the fondest remembrances) was an indefatigable worker; to him we are indebted for much priceless documentary history of Louisiana.

Governor's Court, 1803-04—American Period

The Louisiana Territory ceded by France was taken over by the United States under the authority of the act of Congress of October 31, 1803, which among other things provided that all the military, civil, and judicial powers exercised by the officers of the existing government should be exercised temporarily by such persons or person and in such a manner as the President of the United States should direct, for the purpose of maintaining and protecting

the inhabitants of Louisiana in the full enjoyment of their liberty, property and religion.¹

President Jefferson appointed James Wilkinson, General of the United States Army, and Wm. C. C. Claiborne, then Governor of the Mississippi Territory, Commissioners, who took possession of the country covered by the cession, on December 20, 1803. The President gave Claiborne (a Virginian about 28 years of age) an additional commission "authorizing him provisionally to exercise within the ceded territory all powers with which the Spanish Governor General and Intendant were clothed, except that of granting lands."² Thus Claiborne became the Governor and Intendant of Louisiana vested with all the powers of the defunct and despotic government of Spain.

On the 30th of December, 1803, he established a Court of Common Pleas composed of seven justices who spoke his tongue. He established that language in its records. The civil jurisdiction was limited to cases not exceeding in value three thousand dollars, with the right of appeal to the Governor when the amount in litigation was above five hundred dollars, Claiborne retaining his original jurisdiction in all civil and criminal matters save as qualified, also appellate civil jurisdiction over the Court of Common Pleas.

O'Reilly's ruthless policy was rejected. The Creoles took it as a challenge, and the war which was then started ended only when by congressional relief and ultimate admission to the Union with full citizenship the natives of Louisiana wrote into their fundamental law that principle which preserved the civil law.

This creation of the Governor's Court caused much dissension. The litigants naturally preferred the final judgment of several judges to a one-man Court. Another drawback was Claiborne's inability to speak the people's tongue; he did not have a reading knowledge of either French or Spanish. Although temporary in its organization, the court lasted about one year.

Superior Court of the Territory of Orleans, 1804-1813

On March 26, 1804, the Superior Court of the Territory of Orleans was created and composed of three judges appointed by President Jefferson. The first, Duponceau of Pennsylvania, declined; the second, Kirby of Connecticut, died on his way to New Orleans; the third, John Bartow Prevost of New York, accepted and organized the Court in New Orleans on Monday, November 5, 1804. The first session of the Superior Court was held at the City Hall in New Orleans, the building now called the Cabildo, the generic name for the municipal organization under Spanish regime.

The vacancies on the bench were not filled until 1806, Prevost holding Court alone until after the act of Congress of March 2, 1805, went into operation.³ By this act a new form of government was established for the territory to be modeled on the one then existing in the adjoining Mississippi Territory.

¹ 2 Statutes at Large, 245.

² Martin's History, Howe's Edition.

³ 2 Statutes at Large, 322.

No change was made in the Superior Court System. The vacancies were filled by William Sprigg of Ohio and George Matthews, Jr., of Georgia. Prevost retired towards the end of the year and was succeeded by Joshua Lewis of Kentucky in 1807. Sprigg retired in 1808 and was succeeded by John Thompson of Orleans in that year. Thompson died in 1810 and on March 10, 1810, that profound scholar, Francois-Xavier Martin, was appointed in his place.

The territory was divided by the Governor and Legislative Council, in April, 1805, into twelve counties, namely, Orleans, German Coast, Acadia, La Fourchê, Iberville, Pointe Coupee, Atacapas, Opelousas, Natchitiches, Rapides, Ouachita, and Concordia. A county court of one judge was assigned to each, and contested cases were triable by jury, and their verdict was "conclusive between the parties as to the facts thereby decided." The judge decided all points of law on such jury trials, and provision was made for a bill of exceptions to cover the facts on which such question of law was raised and decided. (See Laws of 1805, First Session, pp. 144-200.)

By the Law of 1805 (Second Session, pp. 30-31) the permanent seat of justice of the Superior Court was fixed in the county of Orleans, but the court was required once in each year, between June 1st and November 1st, to "go circuit" through all the other counties of the territory and the judge of the county court was required to attend the Superior Court in its sessions. The judge or judges going circuit were allowed \$800 for their traveling expenses.

By Act, March 31, 1807, the state was divided for the first time into appellate districts and five of these were created. The Superior Court was directed to hold sessions at certain fixed periods in Donaldsonville, Pointe Coupee, Rapides, and Opelousas for the four country districts; while St. Bernard, Plaquemine, St. Charles, and St. John were incorporated into the New Orleans district and its appeals made returnable at this city.

Under this legislation and its own rules it was common practice in the Superior Court to try appeals by jury.

By the time the first Constitution of the state was framed most of the familiar things in our law and practice were in process of development. The most important development of the era was the Digest of the Civil Law, or first Civil Code of Louisiana, adopted after much opposition by the Legislature. This work was the frame upon which we later build the Civil Code of 1825. The Code of 1805 confirmed the civil law as the fundamental principle of our jurisprudence, but it required much effort on the part of its partisans to maintain the supremacy. The common law was not distinctly repudiated until the constitutional convention of 1812.

The Superior Court was composed of Mathews, Lewis and Martin when the state convention met in 1812 to frame a constitution. The Schedule provided for saving all officers until after their successors were qualified, nevertheless a question was raised after the adoption of the Constitution and before the creation of a judiciary controverting the right of these federal appointees to continue to act as judges. The controversy was decided by a joint letter from the judges to the senate holding that under the Schedule they had resigned their territorial

commissions and were now de facto judges of the Superior Court of Louisiana. Their reasoning is the first and one of the best constitutional arguments in our reports. The Court sat from 1812 until the organization on March 1, 1813, of the Supreme Court created by the Constitution of 1812.

Supreme Court of Louisiana, 1812-1846

The Supreme Court of Louisiana was created by the first constitution, adopted January 28, 1812, and approved by Congress April 30, 1812. While Claiborne called the court of 1803-4 by the same name, he had no authority for so doing. This designation has remained unchanged through subsequent constitutional mutation. It was here made the highest court of the state, and that still is its distinctive feature. By article 4 of the Constitution the court was to be composed of not less than three nor more than five judges. Their salary was fixed at \$5,000.

Notwithstanding Claiborne's territorial unpopularity he became the first elected Governor of the State, and on February 10, 1813, he affixed his signature to the first Judiciary Act of Louisiana, giving effect to article 4 of the Constitution of 1812. The Supreme Court was established with a membership of three judges. Governor Claiborne appointed Dominic Augustin Hall, George Matthews Jr. and Pierre Derbigny.

The jurisdiction was exclusively appellate, based on a money value in excess of \$300. No criminal jurisdiction was conferred and none was ever exercised. The question was promptly presented and decided in *Laverty v. Duplessis*, 3 Mart. (O. S.) 42 (1813). Thirty years afterwards, in April, 1843, the Legislature (act 93, p. 59) created a Court of Errors and Appeals in Criminal Matters, sitting in New Orleans, made up of three district judges from the county district, selected from the body of the judges. This court served from July, 1843, to February, 1846. Its decisions are reported in 12 Rob. (La.), pp. 513-619. It ceased with the adoption of the Constitution of 1845. The judges who served this court were Thomas C. Nicholls, George Rogers King, Isaac Johnson, with William D. Boyle temporarily in February, 1846. The tribunal has often been confused with the Supreme Court, but, as we have shown, it was an independent court, having no connection whatever with the former court.

The Constitution of 1812 empowered the Legislature to organize the judiciary, and no restriction was placed on it regarding trial by jury or the course at common law. It was, however, prohibited from adopting any system of laws by general reference and was also required to define the particular law to be enacted. This was the culmination of one of the great issues of the territorial times, and the phraseology was adopted to prevent any attempt to bring in the common law by reference or jurisprudence. The civil law had obtained legislative recognition in the Digest or first Civil Code of 1808, but the question was still acute when the convention disposed of it.

The title of justice does not appear until the Constitution of 1845 when the membership of the Supreme Court was increased to four, a Chief Justice and three associate justices. By the Constitution of 1852 (Article 63) the member-

ship of the Court was increased to five, designated as a Chief Justice and four associates. Under sections 4 and 5 of article 7 of the Constitution of 1921 the Supreme Court is now composed of a Chief Justice and six associate justices with the authority to call in two judges from the Courts of Appeal, and to divide the court into three sections. That authority was exercised in 1922 and abolished by the court in 1924. The term of office is 14 years, one Justice being elected at every congressional election. The Chief Justice is not elected, but becomes Chief Justice by virtue of his being the senior member of the court in service. His salary is \$10,000 per annum.

Courts of Appeal

The Courts of Appeal in Louisiana, like the United States Circuit Courts of Appeal, were created for the purpose of relieving the congestion in the docket of the Supreme Court.

Constitution of 1879, Article 128. There shall be in the parish of Orleans a Court of Appeals for said parish with exclusive appellate jurisdiction in all matters, civil or probate, arising in said parish when the amount involved demands between two hundred and one thousand dollars which was soon changed to demands between one hundred and two thousand dollars. As originally established by Article 80 of the Constitution of 1879 there were six courts presided over by two judges each elected by the General Assembly; they shall be residents and voters of the city of New Orleans, possessing all the qualifications necessary for judges of Circuit Courts of Appeal throughout the State. The judges for each circuit were elected by the Legislature for terms of eight years, and there was no provision for certiorari to the Supreme Court. In order to reverse a judgment under review, the opinion had to be unanimous, and when there was a disagreement the judgment appealed from was automatically affirmed. This arrangement proved unsatisfactory, and various changes were made until the year 1906, when, by the adoption of a constitutional amendment, three courts of three judges each were established. The city of New Orleans and six adjacent parishes composed one circuit, which was given the misleading title of "Court of Appeal for the Parish of Orleans." Appeals from the other parishes of the state were divided between the other two circuit courts, the First Circuit having its headquarters in Baton Rouge and the Second Circuit in Shreveport. The Court of Appeal for the Parish of Orleans has a fixed domicile in that city. The other two courts are peripatetic and hold court at various places within their respective circuits. The judges of the several Courts of Appeal were originally paid a salary of \$4,000 yearly, which from time to time has been increased, and is now \$8,000, with the exception of the Court of Appeal for the Parish of Orleans, the judges of which receive an additional \$1,000 each from the city of New Orleans.

The Criminal Court of the City of New Orleans

On March 6, 1818, the Legislature passed an act establishing in and for the city of New Orleans "The Criminal Court of the City of New Orleans" (Acts of 1818 pp. 46). This Court consisted of three judges appointed by the Governor.

The Sheriff of New Orleans shall be its attendant and shall execute and serve its writs and judgments. It has exclusive jurisdiction over all crimes and misdemeanors committed in the city of New Orleans. The Attorney General or his deputy shall prosecute cases of criminal nature pending before said court.

Juvenile Courts

Constitution of 1913, Article 118. Juvenile Courts throughout the State are established as follows:

Section 1. There shall be in the Parish of Orleans a separate Court to be known as the Juvenile Court for the Parish of Orleans.

Section 2. Each District Court outside the Parish of Orleans when in session under the provision of this act, shall be known for convenience, as the Juvenile Court; and all sessions of said Juvenile Court shall be held apart from all other sessions.

Section 3. The Juvenile Court in the Parish of Orleans, and the District Courts outside of said parish, sitting as Juvenile Courts, shall have jurisdiction, except for capital crimes, of the trial of all children under seventeen years of age. . . . Said Court shall also have jurisdiction of all cases of desertion or non-support of children by either parent.

LUNCHEON MEETING OF LAW SCHOOL LIBRARY INSPECTORS AND THE JOINT COMMITTEE ON COOPERATION BETWEEN THE ASSOCIATION OF AMERICAN LAW SCHOOLS AND THE AMERICAN ASSOCIATION OF LAW LIBRARIES

June 27, 1940

William R. Roalfe, Chairman, Presiding

CHAIRMAN ROALFE: It is my aim briefly to present the various matters that we should discuss today and to leave to the rest of you the major part of the time for such comments as you desire to make.

I might say, by way of introduction, that every question that we have to discuss this noon has been submitted to the members of the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries and to all of the ten persons who were designated as inspectors for law school libraries. I have endeavored as nearly as possible to reflect their views in the memorandum, a copy of which each of you now has, in order that it may serve as a guide for our present discussion. To make it easy to follow this memorandum I have set out in single space the proposals to which we should either direct our discussion or with respect to which

we must take definite action, placing first those that may require action by the Association during the present conference.

If you will look at the memorandum you will see that the first topic following the Introduction is entitled: "Proposed Joint Committee." What is involved here is this: We now have a joint committee on cooperation between the two Associations which recently superseded two parallel cooperating committees. I believe all agree that this consolidation was a step forward. However, in our work this year we have found that the ten inspectors for law school libraries cannot work effectively, first, without some active head and, second, unless they are kept in close touch with the work of the joint committee. Consequently, those of us who have considered the matter believe that a further step should now be taken by combining the group of inspectors and the joint committee and I have expressed this conclusion in the following language:

That the proposed joint committee shall consist of twelve members acceptable to both Associations and all of whom shall be designated as inspectors for law school libraries.

If we follow the present practice, these twelve members will be selected from different parts of the country in order to keep at a minimum expenses for traveling when making inspections, but we should keep clearly in mind the fact that making inspections of law school libraries would be but one function of this committee, although quite possibly the most important one.

Now as to the size of the committee. While two persons thought that a committee of twelve might be unwieldy, this suggestion seemed to meet with general approval. My reasons for suggesting a committee of twelve members were, first, that a large committee, making possible the use of subcommittees, was desirable where such varied duties are involved; and, second, that a number divisible by 3 would permit four new appointments every year each for a period of three years, thus providing for continuity of effort. I would like to emphasize the fact that a large committee is desirable by pointing out that the inspection of a law school library is a laborious task, which is indeed one of the reasons why the Association is looking to us for assistance. This work should, therefore, be spread so that every member will in the long run have an occasional opportunity to inspect a school, thus doing an intensive piece of work even though he should not actively participate in any other way.

After this rather long but apparently necessary introduction, I would like to invite comments either favorable or unfavorable before we pass on to another topic.

MR. LAYTON B. REGISTER (Biddle Law Library, University of Pennsylvania, Philadelphia): May I ask a question with regard to the number twelve, which, presumably, would be divided six and six between the Associations, and the proposal to name ten inspectors from our own Association available for the Association of American Law Schools?

CHAIRMAN ROALFE: While I expected to take this up later on, we might as well discuss it now. As a matter of fact, two of the inspectors are also members of the joint committee, so even if we should continue the present personnel we have but thirteen. I do not think any of us have a vested interest in these jobs because new appointments can of course be made at the end of the year. However, I will be only too glad to step aside and let the rest of you carry on, so there really isn't any personal problem involved. It is my thought that we should recommend to the two Associations that the proposed joint committee of twelve should take the place of the present ten inspectors and the present joint committee. Does this answer your question, Mr. Register?

MR. REGISTER: I still had the picture of ten. That is entirely clear to me now.

PRESIDENT BEARDSLEY: I think that is fine, Bob.

MISS LUCILE ELLIOTT (Law Librarian, University of North Carolina, Chapel Hill): This is designed as one way of raising standards, is it not? That is, we are going to try to raise the standards by inspecting the schools that come in. That is one phase of raising standards. It looks to me like we are going to concentrate our efforts in this cooperating committee on one phase of raising standards.

CHAIRMAN ROALFE: No, I believe not. The rest of the committee's program will also develop. You are quite right, if we limit ourselves to inspections of prospective members. However, I believe I see what is in the back of your mind. Miss Elliott is Chairman of the Committee on Classification and Pay Plans which is working out an elaborate scheme based upon a detailed study, but I believe she is not yet ready to present the results that may vitally affect this question of raising standards. But I do not think there is any necessary inconsistency between what her committee is doing and what we are considering, if I understand what she is doing. We are starting with the requirements as found in the Articles of Association of the Law School Association and are proceeding therefrom.

If her committee submits concrete proposals, these may from that point onward shape our program but I believe that whatever we do in the interval will be that much already accomplished.

MISS ELLIOTT: I was thinking that there were three parts to this business of raising standards: one, education for law librarianship; another, the work we are doing with classification and pay plans for work in service; and then this work you are doing of raising standards, or putting up hurdles for those who come in. My question is, would this cooperating committee deal with one phase of a three-branch subject?

CHAIRMAN ROALFE: I do not think it will necessarily be so limited. The fact that we set up machinery to proceed in a certain manner now does not mean that we shall proceed that way indefinitely, and even now we propose, first, to help the Law School Association enforce present requirements; second,

to recommend that the requirements be raised whenever we think this is desirable; and, third, we plan to carry on any activities that will foster the improvement of the law school library service over and above mere minimum requirements, but with the understanding that whenever any other committee is set up to undertake a particular piece of work we will not concern ourselves with it. We certainly have no desire to do any work that anybody else is willing to do.

MISS ELLIOTT: I have been very much concerned since I worked on that committee last year about coordinating this phase of organizing the job. I needed the committee that helped the committee: a committee that understood your work, and the other committee that I have mentioned—a coordinating group, if you understand. I felt that if I suggested statistics that maybe I was running into something that you were doing. For that reason, I have a question in my mind.

CHAIRMAN ROALFE: Last year I tried to keep you posted, by sending copies of all communications to you. I do not believe we are going to get into any serious difficulty, provided we are willing to modify our program as we go along and as this seems desirable.

MISS ELLIOTT: I am bringing this up because I would like to hear it discussed.

CHAIRMAN ROALFE: Is there any further discussion? If not, may I present the second recommendation:

All members shall be appointed for terms of three years, except that in order to provide for continuity, four of the first appointments shall be for one year and four for two years.

This recommendation, it seems to me, reflects the views of the persons consulted, a clear majority of which preferred a three-year term to a five-year term. I believe we are following in the footsteps of a good many associations which are more and more appointing committee members for terms of more than one year under a rotation scheme in order to secure continuity. Are there any questions or any suggestions? If not, I will assume that this recommendation meets with our approval.

In considering the work of this committee, particularly in the light of the replies that I received, from other members, it has become increasingly clear to me that we should have a fairly definite written statement of its functions. I believe that this need is due, first, to the fact its name is not exactly descriptive; second, because it is responsible to two associations with somewhat different objectives; and, third, because if it is composed of inspectors and the inspection of law school libraries becomes one of its important functions, the committee is, of course, engaged in work involving the functions of a standardizing agency. If we do this we will be following the established practice of the Association of American Law Schools, which is definitely a standardizing agency, but we would deviate from the traditional policy of the Law Library Associa-

tion for it has never assumed that role. Aside from other considerations, it would appear to be inadvisable to enter a field already occupied by the American Bar Association and the Association of American Law Schools, a division of responsibility that has already given rise to criticism. It is my belief that we can be fully effective by working through one and perhaps both of these other associations.

With this situation in mind I have prepared the following statement of the functions of the committee and have indicated its relation to each association. In view of the fact that this statement, if adopted, will be referred to for guidance, I believe criticisms, either as to the substance or the form, are highly desirable in order that we make it as clear and specific as possible. Perhaps I had better read it first. It is as follows:

1. It shall be the duty of the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries to study and report to both Associations on all matters concerning law school libraries in which both Associations have an interest, except to the extent that specific matters have been, or are hereafter, assigned to other committees of either or of both Associations.

2. Among such duties shall be the inspection of libraries of schools seeking admission to membership in the Association of American Law Schools and of schools which are already members, either for the purpose of determining if such libraries are continuing to comply with the provisions of the Articles of Association of the Association of American Law Schools relating to libraries, or in order to give advice or make recommendations for the further development of such libraries. While the joint committee may report to the American Association of Law Libraries and may request its approval of findings and recommendations concerning the interpretation and enforcement of the library requirements as found in the Articles of Association of the Association of American Law Schools, it is to be understood that the American Association of Law Libraries is not only not formally concerned with *enforcement* of these Articles, but is not assuming any responsibility as a standardizing agency. Consequently, whenever the joint committee as a whole, or its members individually, are concerned primarily with the interpretation and enforcement of the Articles of Association of the Association of American Law Schools, they are to be understood as acting primarily on behalf of the Association of American Law Schools and such endorsements as the American Association of Law Libraries may give to such findings and recommendations are intended for transmission to the Association of American Law Schools for whatever consideration it may desire to give to them.

3. All inspectional and other work concerned with the interpretation and enforcement of the Articles of Association of the Association of American Law Schools shall be undertaken with, and shall be subject to, the approval of the Executive Committee of the Association of American Law Schools or of its membership as a whole when the Articles of Association so require.

CHAIRMAN ROALFE: The first paragraph is an attempt to meet Miss Elliott's important suggestion that overlapping between committees should be avoided.

MR. MORRISON: In reality, the second paragraph indicates that this is a committee of the Association of American Law Schools.

CHAIRMAN ROALFE: In a memorandum to the members of the committee I discuss that point: for inspectional purposes, that is probably correct. Of

course, one way to handle this inspectional problem would be to assign it to a committee of the Association of American Law Schools and let it go at that. However, by doing so we might cut ourselves adrift from the general law library movement, something I would regard as a great mistake. We law school librarians are law librarians and it seems to me highly desirable that we endeavor to coordinate the library interests of these two associations and I do not think there are any insuperable obstacles provided we are clear as to what we are doing.

MR. MORRISON: I do not think the question of serving two masters needs to bother us.

CHAIRMAN ROALFE: It would be undesirable if their interests were really in conflict. They certainly are not so now and, if they ever proved to be, the necessary change could be made. I think it was you, Art, who at one time felt that there was some real danger that the Association of American Law Schools might be inclined to invade this field.

PRESIDENT BEARDSLEY: Yes, I did feel it at that time. I have changed my view, though, in the last year or two.

CHAIRMAN ROALFE: At the moment the fear seems altogether unjustified for the Law School Association itself is turning to us and really inviting us to assume this responsibility. Opportunity usually follows the assumption of responsibility and we should certainly step in and do our part. I believe we can do something worth while for legal education. Although we are librarians, we are also educators, and the fact that the law teachers can contribute to our work is only one side of the picture. We can contribute to their work and to legal education.

MR. REGISTER: The definition "all matters concerning law school libraries in which both Associations have an interest" is a very broad definition, is it not, and so intended? From that definition you have very clearly excepted all those matters which have been specifically referred to particular committees. Do you mean that the joint committee of its own motion, we will say, without reference from the President or Executive Committee or either Association as a whole, can take up any matter which seems to be of import to law school libraries and, therefore, naturally of mutual interest to both the school and the library?

CHAIRMAN ROALFE: I think the point you make is a good one. We had better be clear about it and, if necessary, correct the statement if it is too broad. My own thought is that any committee—the Committee on Jurisprudence for example—may initiate the study of anything relating to jurisprudence and report to the Association at the end of the year. Don't you think this is so?

MR. REGISTER: Yes.

CHAIRMAN ROALFE: Of course, the recommendations of all committees must be submitted to the Association before any action is taken and this committee could not assume the prerogatives of either Association or of their Executive Committee. Do you think we might phrase this statement more cautiously?

MR. REGISTER: I wonder if there is a danger of the joint committee possibly stepping on the toes of other committees or inadvertently overlapping their

labors if the committee, as I said before, undertakes anything that seems to be of joint interest: whether you want that, or whether you want this committee to fill in by assignment of specific labors the matters which have not been assigned to specific committees and which it does not seem wise to create specific committees for. In other words, are we a little bit like under the Federal Constitution? Are all powers reserved to us, as far as jurisdiction is concerned, that have not been specifically assigned to existing committees or committees which will come into existence?

CHAIRMAN ROALFE: Yes, I think all of these questions are important and maybe we should clarify this statement now. Of course, if we limit our work to matters that are specifically assigned to us, there is this danger: that a busy Executive Committee will not see the problems that we see. If so, we may be delayed by the necessity of waiting for action by the Executive Committees. I am thinking of the purely practical problem. Do we think there is any real danger that this committee will extend its activities unduly?

MR. REGISTER: I am not really afraid of this, but I want to see just where we are heading and what was in your mind. What I had in mind was connected with Miss Elliott's remarks a moment ago. Of course, this is a specific committee.

CHAIRMAN ROALFE: You are right, but there might be an area there where we might step in, or the Associations might wish to assign a specific matter to a particular committee. If so, this would remove it from the agenda of the joint committee.

MR. REGISTER: It did not seem to me that there was any field connected with libraries or law school libraries that was not under the functioning of the joint committee.

CHAIRMAN ROALFE: That is possibly true. Assuming that Miss Elliott's committee reports and the report is adopted, and one of the recommendations is that her committee be discontinued, then there might not be a so-called competing committee and we, the joint committee, might proceed to occupy the field. Of course, the functions of all committees are limited by the extent to which power is delegated to them and if a committee brings in a very broad report extending beyond its jurisdiction, the Associations can reject it. Can you suggest some way to word the statement so that it is a little more restrictive?

MR. REGISTER: No, unless we wanted to restrict it to definite assignments after recommendations from this committee, and that we could make preliminary studies and recommendations and then hand it back to this committee for action.

MR. DANIEL: Isn't making recommendations part of the function of the committee?

CHAIRMAN ROALFE: Of course, we cannot as a committee really exercise any powers that are vested in the Executive Committees, but they may and in fact do on occasion delegate specific duties to other committees. As a purely practical matter, I have, as chairman, kept in touch with the officers of both Associations and this frequently involves informal approval of what we are planning to do. On the other hand if the officers do not seem to believe that a

given proposal is timely or desirable, I, for one, am inclined to drop it for the time being, at least.

MISS MOYLAN: I should say it might be quite safe to leave it in the broader form and if any occasion arose to limit it, the necessary limitations could be applied then.

CHAIRMAN ROALFE: Leave it to the Executive Committees, or the Associations as a whole, to put the brakes on us if we get out of hand? I think you are quite right in believing that there is a possible danger. For example, we might say it is conceivable that we might decide to disregard what Miss Elliott's committee is doing. Personally, I do not believe this is going to happen. As her program unfolds, as the data are available, it should be useful to us as well as to others.

MR. DANIEL: I think the language of your memorandum covers it pretty well.

CHAIRMAN ROALFE: Perhaps the underlying thought here is that it is worth while to coordinate the work relating to law school libraries so far as that seems practical and recognizing that there are exceptions. For example, if the Law Library Association carries on a general statistical gathering program, we may very well request its Committee on Statistics to secure statistical data for us.

MR. REGISTER: The statistics which are mentioned here and of which we have a form are to be gathered by the present Committee on Statistics?

CHAIRMAN ROALFE: I hope so. If no other committee is in a position to secure this information for us we may have to undertake it ourselves.

MR. MORRISON: Don't you think that this question of inspections should be in the hands of a committee of twelve whose only duty would be to make inspections?

CHAIRMAN ROALFE: Perhaps this is the best way to answer your question: When I began to send out memoranda to members of the joint committee it became perfectly obvious that every inspector should also have this information. To do this in effect brings the inspectors into the group. To be good inspectors we must be fully informed and we must share experiences. For example, already I have made one inspection. Miss Ashman is engaged in preliminary work in connection with another inspection and Mr. Shepherd, the Secretary, has had numerous inquiries many of which he has referred to me. In almost every instance something has to be done that is of interest to all inspectors. If Miss Ashman is confronted with a problem in the school library she is inspecting and a solution is worked out, all of us should know how the problem was solved so that we may proceed accordingly when necessary.

This does not mean that every school is going to be measured according to a rigid rule and that it has to comply in every detail. There is, of course, considerable room for the exercise of discretion. But I found in making the inspection in April that nobody could give me any helpful information because the inspections of the law school libraries have been made by the successive secretaries and others, each man breaking in all over again. Consequently, there

is as yet no established policy, except for the requirements as to books which are now fairly specific. There isn't anything to guide one as to the size of the library quarters, the seating capacity and the staff, except the new provision that goes into effect in September.

It seems to me that every inspector should be advised about such matters and if he isn't advised he is going to be in the dark. In other words, every inspector should know as much as he can about law school libraries and about the evolving program and if he does he will at the same time be the best kind of joint committee member.

MR. MORRISON: That is what I had in mind. I still have one more specific question. If you call this a joint committee, then I take it that the personnel will come from both Associations.

CHAIRMAN ROALFE: Yes. There will, I believe, be no problem in practice because to be interested in this committee one must necessarily be a law school librarian—which means a member law school librarian. Certainly no difficulty arose this year.

MISS ELLIOTT: There isn't any objection, but there isn't any real cooperation. I mean, we are not actually using the members of that Association.

CHAIRMAN ROALFE: I do not agree with you there at all. I do not think we could have done anything if Mr. Shepherd had not been friendly to us.

MISS ELLIOTT: You refer to the Executive Committee of the A. A. L. S., but I mean a committee set up that is actually cooperating in this work. I am thinking about my own now. They appoint law librarians to the committee as if that would be cooperation.

CHAIRMAN ROALFE: It is, unless you do not consider a law school library staff member a member of the Association of American Law Schools.

MISS ELLIOTT: Yes, I do, but I would like very much to have the law school faculty's viewpoint along with the librarian's viewpoint.

CHAIRMAN ROALFE: It would be very nice, but they just simply are not willing to do it. They are interested in their teaching.

MISS ELLIOTT: I think some will. We haven't insisted on it enough, have we?

CHAIRMAN ROALFE: I do not think any secretary of the Law School Association has been more informed on law library matters than Mr. Shepherd, but he frankly admits that he is a law school teacher and not a law librarian and that he does not know the fine points of the game. Consequently, when he is asked questions as to matters of detail he cannot answer them.

MISS ELLIOTT: I do not mean to change the plan of having law school librarians do the inspections, but having someone on the committee that represents the faculty.

CHAIRMAN ROALFE: That could be done, of course.

MISS ELLIOTT: I have been struggling with that myself and I bring it up as a practical problem.

CHAIRMAN ROALFE: I am not sure that any one of us wants to take the time off to get informed properly on the details of teaching a course in Equity,

to put it the other way. We are too busy; we do not have time; and if we were asked to formulate a detailed program for the teaching of Equity or Contracts or Jurisprudence in a given law school, do you think we are competent to do so?

MISS ELLIOTT: I do not think so, but then I feel differently about it. I am a woman convinced against her will.

CHAIRMAN ROALFE: I have been connected with this developing relationship between the two Associations now for nearly ten years and I have become convinced that you cannot expect busy law school teachers and deans to take a lot of time off and bother about our problems. They will not do it.

MISS HELEN HARGRAVE (University of Texas Law Library, Austin, Texas): Why should they? They are our problems. We ought to be independent enough and able enough to solve them ourselves.

MR. MORRISON: None of them should serve on this committee of twelve, then?

CHAIRMAN ROALFE: My point is that their major interest does not lie there. I was thinking of our scholarly representative at the end of the table, Mr. Register, who has a distinguished reputation on both sides. He has been in library work now for a number of years. He can probably see both sides. He will probably get us off in the corner afterwards and tell us how crazy we are. I do not know whether he has found that in his school he can get faculty members to sit down and give a lot of time to the library. I have not been able to do so, but I do receive what I regard as excellent cooperation that involves suggestions as to books or improvements in the service but made on the run, so to speak, and just as they are noticed. And I feel perfectly free to discuss a specific matter with any of them at any time. This, however, is quite different from expecting them to discuss library problems for several hours at a time.

MR. MORSE: May I clear up a point in my mind, Mr. Chairman, about this terminology here of joint committee? Do I understand that the joint feature is going to consist of librarians who have faculty standing?

CHAIRMAN ROALFE: They do not have to have such standing.

MR. MORSE: It will be a committee, then, of law librarians?

CHAIRMAN ROALFE: It does not have to be. Miss Elliott's suggestion can be incorporated. There is no technical reason for insisting on such standing. They are simply representatives of the two Associations.

MR. MORRISON: Why should any member be a member of this committee of twelve who has not had enough law library experience to make him eligible?

CHAIRMAN ROALFE: I do not think he should, but Miss Elliott has raised the question of the advisability of having a professor on the committee.

MISS ELLIOTT: If the cooperating committee is composed only of law librarians, I cannot see that it is a cooperating committee. Of course, if you are going to limit the function to just the work of inspection, all right, I agree with you, but I am trying to make a point of not limiting this committee to just that work, and if we are going to do outside things then let us have some faculty members on it. I really think our weakness is that we do not have

enough of faculty and law school viewpoint in our work. I have thought about it a year and I think it very strongly.

CHAIRMAN ROALFE: Then shall we change the composition of the committee? Mr. Morrison has raised the question. If so, the plan I suggested will still have to be followed: every communication will have to go to every person in order that he may be informed. That is the predicament I got into, and that is the reason that President Beardsley wrote and asked me also to act as chairman of the inspectional group. Something really had to be done to coordinate the efforts of these two groups.

MISS ELLIOTT: I am all for the inspectors. That was in my report last year.

CHAIRMAN ROALFE: In the past, on the committee on cooperation we have had faculty members. Professor Robert M. Davis was chairman for several years. Miss Elliott, can you make a concrete suggestion as to how we might incorporate your views regarding the inclusion of faculty members?

MISS ELLIOTT: I do not know. That is my problem, too, on my committee: How are we going to get them interested? But we cannot put over anything until we do get them interested. You must get your law schools informed and educated up to that point. There is too much intellectual isolation towards libraries on the faculty's part right now. We complain that our status is low, and all that sort of thing, and that is the weakness. People who employ us are not engaged in this cooperative job.

MR. MORSE: That is a process of education, though, isn't it?

MISS ELLIOTT: When can we educate them unless we draw them in on the committee work? Isn't that about the best education?

CHAIRMAN ROALFE: That is one way. I think another way develops as schools succeed in having a librarian that is recognized as having an important function to perform. To make this more general is our problem, but already there are a good many schools where the librarian is recognized as making his or her contribution.

MISS ELLIOTT: I think, too, there are some who have contributions to make and are not being allowed to make them. Don't you think so?

CHAIRMAN ROALFE: Oh, yes. There are places where the librarian could do much more if he were permitted to do so.

MISS ELLIOTT: I mean, it isn't merely a matter of a librarian establishing herself.

CHAIRMAN ROALFE: I have visited a number of schools where the librarian has more ability than he is permitted to use.

MISS ELLIOTT: I make the point that the function of the committee should be very broad and in that event we should draw in the law school faculty if we can get them. We can keep insisting on appointments. I know of a half dozen faculty members who are interested in library work. That would be a nucleus.

CHAIRMAN ROALFE: We could amend the language very easily so as to provide for at least two, three, or more non-librarian members.

MISS JEAN ASHMAN (Indiana University, Bloomington): They would not be interested in doing all of this detail work.

CHAIRMAN ROALFE: I do not think so, but Miss Elliott thinks they would.

MISS ASHMAN: The only man on our faculty who might be interested is a former librarian.

CHAIRMAN ROALFE: We do not have a single man who would be willing and able so to give of his time, but we have a half-dozen members of the faculty who will gladly contribute their best efforts toward the solution of a specific problem whenever it is presented.

MR. MORRISON: That is my experience, too. I do not think any man would be willing to give his time to it. Why should he?

CHAIRMAN ROALFE: If he gives it, then he cannot write the article or prepare the case book that is nearest his heart, it seems to me.

MR. REGISTER: How many inspections would take place during the year?

MISS ELLIOTT: Two a year have taken place during the last five years.

MR. MORSE: Aren't you going to go beyond inspection, though? More or less control?

CHAIRMAN ROALFE: There are at least two things. Of course, the inspections of prospective members is one thing. But for years the Law School Association has had on paper a plan for the periodic inspection of member schools which has broken down simply because they could not keep up the pace. Should not something like that be a part of our program? Certainly, at the very least, there should be some sort of checkup after schools are admitted. I think Mr. Morse is perhaps the best informed on that point because he has recently visited a number of the libraries that are fairly close to the minimum standards. If I understand him correctly, he has found a number in which conditions are far from satisfactory and yet the Association does not pay any attention. Such schools were finally approved last year, or five, ten, or perhaps fifteen years ago, and that is all there is to it. Either for lack of desire or for lack of funds such schools permit their libraries to drift along, something that is really not in keeping with the spirit of the library requirements.

I do not think it is always a lack of funds. If it were, I would be more sympathetic. Sometimes there is not enough pressure brought to bear upon those who are responsible. The value of these standards to such schools is that the dean can go to the president and say: "If we do not do so and so, we are going to be removed from the approved list." For example, in one school it was actually proposed that the law library collection be removed from the law school building and placed in the general library. The dean protested on the ground that this was not consistent with the principles of good legal education, but his protest did no good. However, an appeal to the Association of American Law Schools elicited a letter stating that such a change would disqualify the school for membership. Needless to say, the library is still in the law school building.

Before we leave this question of faculty representation about which you feel so strongly, Miss Elliott, can you suggest a way to deal with it?

MISS ELLIOTT: I do not think it is anything that we could deal with, but

I was thinking that in your recommendation there you could say something about it.

CHAIRMAN ROALFE: We could say, "The joint committee shall consist of twelve members, ten of whom shall be law librarians and shall conduct inspections, and two of whom shall be faculty members," or words to that effect.

MISS ELLIOTT: I feel that way about it. Nobody else seems to feel that way, but I really do think that we ought to have them.

MR. MORSE: Who is going to make these appointments to this committee?

CHAIRMAN ROALFE: The two Associations. You will remember that the inspectors are now so appointed. I think the language would be acceptable to both, and I believe that when we draw this up formally we will have to state, as we did last year, that the committee shall consist of twelve members, acting under a chairman who will be acceptable to both. Suppose we illustrate the matter thus: The President of the Library Association will undoubtedly take the initiative here by submitting a slate, and the President of the Law School Association will either approve it in whole or in part. Suppose he does say: "I do not think Tom Jones is a competent person." The next step is simple. He either suggests a person himself or accepts a further suggestion. I cannot imagine any real difficulty. But if there should be six members they can be selected by each and they can agree on a chairman.

PRESIDENT BEARDSLEY: As a matter of fact, I think in all probability the appointments will almost entirely rest with the President of the Law Library Association. At least this past year, wherever we had occasion to make joint appointments, the President of the Association of American Law Schools said: "Whom do you want? Who is the person? I suggest you choose your own personnel." I do not think you will get anywhere by having a committee that is going to be requesting them to appoint certain members. I'd rather see you leave it just as it is.

CHAIRMAN ROALFE: They will ask us for advice and they will expect us to give it. I still think that this is a committee on cooperation, although it isn't a committee on cooperation between professors and librarians, for it does involve cooperation between the two Associations. It is this characteristic that has provided me with the opportunities to confer with the Executive Committee of the Law School Association and with the officers of both associations. As a result I have found that law school teachers and law school deans are interested, but I do not believe they would do any detail work. They will listen to what you say; they will reply, "I do or I do not see anything in this that is inconsistent with good policy," but I am quite certain they will not sit down and give hours of their time. Even an executive secretary cannot get that kind of work out of his executive committee. He has to do the detail work and submit only general matters to his executive committee for approval or disapproval. Am I correct in assuming that we do not desire to make a change so as to provide specifically for non-librarians on the committee?

Mr. Beardsley has asked me to close this discussion at two-twenty, so our time is now quite limited. There is one more matter that I think we ought to

discuss. This is the recommendation as to statistics. I believe all of you have seen this statistical chart before. What inspired me to propose it is the fact that the Law School Association has recently gathered some extremely interesting figures. When I examined them, I realized that, with the addition of very few more items, many of their figures might be given definite library significance. For example, if we now secure from the libraries of member schools figures with respect to seating capacity, number of staff members, full time and part time, and the amount spent for supplies and combine these with the figures already available we will for the first time have available a fairly accurate quantitative picture of the library situation in every member school.

We realize the qualitative factors are left out and they are of course important, but nevertheless much of our work depends upon quantitative adequacy. When you make an inspection you realize immediately how important it is. For example, if a school library cannot seat more than 10 per cent of its students at one time, you know very well that it is not teaching with books. You can answer that question without consulting anybody. It simply cannot do it. Nevertheless, there is no established policy as to seating, and in fact we do not really know what should be regarded as adequate.

We also have very incomplete information about the library staff at present. If we could get the number of full time staff members and the part time staff help, these would be helpful. The part time help should be reported on the basis of the number of hours per week, as some work longer hours than others. If in addition we get figures on supplies, we will have most of the essential expenditures. How significant the supply figures will be I do not know, because they may vary considerably from year to year, but perhaps they are worth getting. If we secured all these figures this year, and every five years, we would certainly have something that would be very interesting.

I have received very few suggestions respecting this statistical table. One member thought there was no particular value in having in parallel columns the combined library expenditures and the expenditures for teaching, on the theory that there was perhaps no significance in such a comparison. Another member wanted to know what was meant by the third column from the right entitled "compared with teaching expense."

Taking up the latter first, it was my thought that we might reduce these comparisons to percentages. In other words, if we found that the library expenditures are usually smaller than those for teaching we might in this column indicate this as 50 per cent, 60 per cent, or 75 per cent, as the case might be. One could then readily see that School A spends 50 per cent as much on the library as on teaching; School B spends 75 per cent, and so on. Whether or not that is important, I do not know. But it would be helpful if you wanted to compare schools. Of course, if the two columns of totals are side by side, you can always quickly see what a given school spends for each and make the comparison directly.

With respect to the other matter, I am inclined to believe that such comparisons may be very significant. For example, if a given school has what

we might call an expensive faculty—let us say it spends \$100,000 on the faculty, and it spends only \$10,000 a year for the library—is not this fact significant? Such a school has a highly paid faculty that either does not demand a better library or is not able to command it. It may be one or the other, and this is something to be investigated. At any rate, I would like very much to know for my own personal use whether in the library I represent the library expenditure is higher or lower in comparison to the teaching expenses than it is in other schools. I think this information would be very valuable.

MR. REGISTER: Would it be relevant to include the number of full time teaching staff? That varies considerably. The larger the teaching staff, the greater demands on the library if they have full time and have opportunity for research and writing. Of course, it is reflected to a certain extent in the teaching expense, but it is not quite as direct as the direct answer to the number of full time teachers.

CHAIRMAN ROALFE: If we consider this desirable the figures are already available.

MR. MORRISON: The Association has all of those figures.

CHAIRMAN ROALFE: I wonder if this is not desirable. Is there anyone who would dissent? It seems to me that it is quite desirable and I will be glad to see that the chart is amended so as to call for it.

I do not know that there is anybody present who does not understand the first column on the left entitled "Key No." Mr. Mercer has probably noticed it. The Key No. used by us would be the same number as the Law School Association has assigned to each school so that it would be easy to refer from our tables to theirs and vice versa. The key numbers are, of course, necessary because some of the information is confidential and the identity of the school frequently cannot be revealed.

Can anybody think of anything else that we should consider? Time is about up and we should adjourn, for far be it from any of us to interfere with the prompt convening of the next session. I believe that we are sufficiently in agreement so that when I report tomorrow for the joint committee and for the inspectors I may submit to this Association a series of recommendations embodying these main points that we have discussed. I do not believe there is any disagreement on them, is there? In other words, I want to be able to say that, as a result of this conference and the correspondence that I have received, the joint committee and the inspectors agree as to the recommendations that we have just discussed. If any of you are present at the meeting tomorrow when I report and you think I have misrepresented, you are, of course, at liberty to object.

I am sorry that we do not have time to consider the other matters outlined in the memorandum that we have before us. However, I believe they can be disposed of by correspondence.

I want to thank all of you for coming here. It has been very instructive to me. I am sorry that I have talked so much, but it is a temptation to which I easily succumb. To those of you who are either inspectors or members of the joint committee, I am certainly grateful. I have been favored with the most

constructive letters that I have ever received in any committee work. They have been helpful from first to last, and many weak points in my original memorandum were brought to light, either where I had expressed myself poorly or because I had not covered the ground.

MR. MORRISON: I would like to extend a vote of thanks for Mr. Roalfe's very excellent service in the way he has represented both Associations. [Applause.]

[The conference adjourned at 2:20 P.M.]

THURSDAY AFTERNOON SESSION

June 27, 1940

The meeting was called to order at two-forty o'clock by President Beardsley.

PRESIDENT BEARDSLEY: This afternoon we have the first session of the Law Library Institute at which Mr. Lewis W. Morse, the President-elect of this Association, is presiding. I will now turn the meeting over to him.

CHAIRMAN MORSE: This afternoon we are favored with a very interesting program. Our first speaker is the Assistant Law Librarian at Yale Law School, Miss Forgeus, whom we regard as one of our most able members. She is a very quiet, reserved person, and one in whom we have great confidence and for whom we have utmost respect. It is really a pleasure for me to call upon Miss Forgeus to present her topic, "Loans and Circulation Problems." She is going to try to limit her talk to thirty minutes and she will appreciate discussion from the floor. She will describe this problem from the point of view of how it is handled at Yale. [Miss Forgeus then read her paper, entitled "Loans and Circulation Problems."]

LOANS AND CIRCULATION PROBLEMS

ELIZABETH FORGEUS

Assistant Librarian, Yale Law School Library

Book circulation in a law library might seem to be a relatively simple topic. From the nature of law libraries, the subject of circulation has never assumed the importance which it holds in college and public libraries. The old axiom, "A law library is primarily a reference library," has in the past been the accepted description of our field and probably is still true. A reference library is understood as one in which all books are used within the library precincts. However, for the purposes of this discussion, I am including, under the term "circulation," the use of books within our libraries, insofar as they must be called for, charged, and delivered for use. Using the term in this sense, all the libraries represented in the Association are interested in circulation prob-

lems. It is true that there may be small open-shelf libraries which do not find it necessary to keep any desk records of books loaned, but certainly the majority of our libraries, even the smaller ones, have some rules on the use of their books which require charge slips and the keeping of a loan file, although it may be very rudimentary. The keeping of any kind of circulation records brings up problems, and it is my hope that this Round Table may shed some light on the way different libraries handle their circulation; not only as to what, and to whom, they loan, but also as to what they have found to be the best practical system of keeping charge files and their day-to-day routine for loans.

The subject naturally falls into three divisions: The use of books within the library, intramural use; loans to individual clients for use outside the library; and loans to other libraries, interlibrary loans. In what I call the intramural circulation I include the charging of books for use in stalls and alcoves and the sending of books by court house libraries to court rooms and to judges' chambers, and by law school libraries to professors' offices or classrooms. Books so loaned are still within the building in which the library is situated and are, in theory at least, obtainable if needed. This form of circulation presents few problems. There need be no more limitation as to the kind of books furnished or the number used than is necessary for the protection of the other patrons.

It is when we come to the lending of books for outside circulation that problems most often arise. The matter is settled for some libraries by rules which absolutely prohibit outside loans, but I think it safe to say the majority of law libraries do lend books for outside use, some to a very limited degree and rather reluctantly; and, at the other extreme, some make a specialty of such service and even go so far as to advertise the fact. There seems to be a rapidly growing tendency among law libraries to increase this form of service. The idea of the mission of the library as a social agency is being accepted in even technical and professional libraries.

In considering what books may be loaned for outside use, whether to individuals or to other libraries, it is well to speak first of some classes which probably all librarians would agree should not be subject to loan. These are, broadly classified: Reference and search books, such as dictionaries, encyclopedias, and citators; the books on constant call in a particular library, such as students' texts, and material set aside for reference use; rare and very valuable books, which if lost could not be replaced; manuscripts, including unpublished theses.

To a more debatable class belong volumes of statutes, reports, periodicals, records and briefs, which are parts of sets and for that reason are sometimes difficult to replace. The practice of libraries as to loaning books of this group varies. The books which all libraries that loan at all would probably send out freely are treatises. Some libraries also make a specialty of loaning certain local material with which they are well supplied. Every library, of course, may make its own rules in this particular.

In addition to the question of what may be loaned, the problem sometimes

arises as to what persons are entitled to borrow. The answer to this question is, however, fairly well settled by the fact that each law library has its own class of clients, whose responsibility can be pretty accurately judged. Applications from strangers, or from those having no real claim to the use of the library, have to be dealt with individually. At the Yale Law Library, such requests are comparatively infrequent. Being a school library, our charge slips contain a space for the law school class of the borrower under the signature, and if this is not filled out we request information.

The problems in connection with loans for outside use are many. How long shall we let a book be kept? What shall we do if a borrower does not comply with a request for its return? Shall fines be charged for books kept over the specified time? These and many other questions arise.

Before speaking of interlibrary loans, I might briefly describe our circulation system at the Yale Law Library. Our reading room, which many of you have seen, contains on open shelves the latest revisions of English and American statutes, with the subsequent session laws, the Reporter system, the official reports for all the states, the Annotated Reports series, a collection of English reports, and a collection of the bound sets of the most-used Anglo-American periodicals; as well as the usual reference books—digests, encyclopedias, dictionaries and citation books. Textbooks, international law, all the social science classes, and all foreign law are kept in the stacks and must be called for. For loans of these books we have a simple charging slip, with a place for date, call number, author and title, and for the student's name and class. These slips are filed alphabetically by author as the books are taken out, in a file including one day's circulation only. The greater part of our circulation is of books that are used in the reading room and returned when the reader leaves the library. As these books come in, the slips are checked off and dropped into a drawer for counting. There will be left in this file, at the end of the day, three classes of slips: those for books charged for reserve in the reading room; those for books to be used in alcoves and offices; and those for which permission for outside use has been given, any of which uses will have been noted on the charge slip. Each morning the slips for books used the previous day are counted for our records; the slips for books returned during the day are then destroyed. The slips left in the file are transferred to another file at the desk, which might be designated the long-loan file. This file becomes quite large during term time. Before the charge slips are put into the long-loan file, a brief duplicate card is made for each book loaned for outside use, and this is filed under date due, in another file. By looking at this date-file each day, the books not returned when due can be followed up and called for.

We handle a large part of our routine student circulation by the use of another kind of charge. A long card is put in those books which are on special reserve for class use. When a student borrows one of these reserved books he signs this card, and when he returns the book his name is crossed off and the card replaced in the volume. These are long cards spaced for fifty-seven signa-

tures and printed so that both sides can be used. They are kept in a special file.

We have two forms of reserve slips, one for use in books reserved for a limited time in the reading room, and another for use in books reserved in the cubicles in the stacks. These cubicles are assigned to graduate students and to others doing special work.

We are as liberal as possible in lending for outside use; we lend treatises, history, biography, the books in the social science groups, and international law. We do not lend, except in very exceptional cases, periodicals, statutes, or reports. We are the law library of the whole university, and we therefore lend law books to members of other departments. But we lend our non-legal books, such as social and political science, only within our own department, since the University Library of course has such books and when we buy material of this kind it is in order that law students and professors may be sure of having it.

We do not have a fixed time limit on our loans. We allow from a few days to several weeks, judging according to the popularity of the book. All our loans are made subject to recall at any time the book is needed in the library. We do not charge fines on overdue books.

The subject of interlibrary loans was discussed at the 1935 meeting of the Association, and the practices in several libraries were described. At that meeting the matter was referred to the Book Selection Committee, with a recommendation that it consider the question. From the report of the committee at the next meeting, it would seem that the recommendation had not been acted upon. In this field, since the problems confronting general libraries and law libraries are similar, we benefit by the work of the American Library Association. The book, *Selected Articles on Interlibrary Loans*, compiled by James Macmillan, and issued by the H. W. Wilson Company as a volume in their "Librarians' Round Table Series," was a printing of discussions in the College and Reference section of the A. L. A. at the fiftieth annual meeting (1926). This volume contains the A. L. A. *Code of Practice for Interlibrary Loans*, with which all borrowing libraries should be familiar. The subject of loans between law school libraries has been discussed at Round Tables of the Association of American Law Schools, but these discussions have not been printed.

Most libraries that lend at all are willing to lend to other libraries. In these days of union lists and research projects, an increasing number of requests for this service may be expected. The burden of interlibrary loan service falls upon the larger libraries, who receive many requests but themselves need to do little borrowing. To keep these requests within reasonable limits, and to see that the rules of the lending library are scrupulously observed, should be the aim of the borrowing library. There is reason to hope that microfilms may to some extent be used for supplying material which formerly had to be borrowed. Photostats, while practical for a small amount of material, are too expensive to be generally used for large volumes.

No law librarian can leave the subject of interlibrary loans without recording gratitude to the Harvard Law Library, the Library of Congress, and the Columbia University Library for their liberality.

Loan and circulation problems have been discussed at previous meetings, but I could not find that any systematic study had ever been made of the practices in the libraries represented in the American Association of Law Libraries. Most of the information I have found on practice in other libraries has been gleaned from articles on the history and management of individual libraries, of which a number have been published in the *LAW LIBRARY JOURNAL*. At the 1935 meeting, following the report of the Committee on Regional Cooperation, of which Mrs. Cupp was chairman, there was a discussion of interlibrary loan practices, and Dr. Beardsley's paper at the same meeting, on "Opportunities for Regional Law Library Service," was an enthusiastic study of the possibilities of extending loan services within specific areas. Through these various sources, the practices of many libraries in the Association are pretty well known. For instance, we have been told of the liberality of the Rochester and of the New York State libraries in loaning records and briefs; the methods of circulation in the Worcester County (Massachusetts) Law Library have been described; Mr. Johnston has given a description of the Chicago Law Institute as a "circulating" library, and the circulation files of the Department of Justice Library have recently been described in detail by Mr. McKavitt. A number of bar libraries have special collections of jurisprudence or of books on the order of legal miscellany, for circulation. Our hosts of Osgoode Hall have a collection of this kind.

I hesitate to recommend a questionnaire, but it does seem that, in order to give any intelligent account of the loan and circulation practices of law libraries, some statistics would have to be collected. Among the many questions which I should like the libraries of the Association to answer are the following:

How many libraries never lend for outside use?

How many have a fixed period of time for outside loans?

How many charge fines for overdue books?

How many use the pocket and bookcard as used in public libraries, to stamp their circulating books? And have any who do this used the charging machine?

How many keep statistics of their circulation?

How are charge records kept, and books overdue followed up?

I should like to know whether there is at headquarters, or elsewhere, a collection of examples of printed forms used by member libraries in their circulation? A collection of this kind, if one exists, could be loaned to any library wishing to adopt forms.

Lastly—and this is a most important question—how many libraries make an effort to stimulate outside reading? What means are used? To what extent should this be a part of law library service? New book lists, library newsletters, and exhibitions are all a means to this end, but how far has the readers' adviser idea been carried in law libraries?

Several libraries have sent me examples of their printed forms; these sets are here for examination and questions. [Applause.]

CHAIRMAN MORSE: We have a wonderful opportunity, as you see, to find out about loans and circulation problems. That certainly was a marvelous paper. Miss Forgeus has suggested some questions. Would you mind asking them one at a time, Miss Forgeus, and perhaps we can get some answers?

MISS FORGEUS: I would like to know how many libraries never lend for outside use.

CHAIRMAN MORSE: Is there any library that prohibits loaning of any book in their collection? Is there any library as strict as that?

MR. HAROLD BOWEN (New Haven County Law Library): The New Haven County Bar.

CHAIRMAN MORSE: You are familiar with that, are you?

MISS FORGEUS: Yes. Mr. Bowen brought the form which they are using for charging in courtrooms.

CHAIRMAN MORSE: Has your experience been one of disaster? Is that why you have that rule?

MR. BOWEN: Our library is located in the County Court House and it is for the use of the members of the Bar as well as the Bench. We have during the court year four courts in session four days a week and very often during the progress of a trial an attorney will offer a citation to support his position and the court will order the messenger to obtain the books, named by counsel, from the library. If these books were loaned out to lawyers one can see the condition would be chaotic if they were not in the library when called for. Occasionally, over the week-end we allow lawyers to take a book out, but it must be returned on Monday before 9:30 A.M. Lawyers and judges constantly use the library in the preparation of cases or in deciding cases and expect to find the books on the shelves and certainly not out of the building.

MR. B. G. ARKEBAUER (Librarian, Supreme Court Library, Springfield, Ill.): We do not let any books go out of the library except for the justices of the supreme court. The lawyers are not permitted to take any books out except by permission of the court.

MISS FORGEUS: Mr. McKavitt spoke about the Department of Justice Library having a permanent book pocket in the back of each book just as a public library does.

CHAIRMAN MORSE: We can ask the Association of the Bar of the City of New York that question about loaning. Mr. Poole, we were talking about the question of loans and circulation problems of the various libraries. Miss Forgeus was interested in knowing whether at the Association of the Bar you loan any books.

MR. POOLE: None at all. That is a strict rule. If a judge wants a book, no matter what it is, he is very likely to get it. A rule is no good if you do not have exceptions.

CHAIRMAN MORSE: How about a law firm?

MR. POOLE: No; because they can come up to our library. If a firm wants to produce a book in evidence in a specific case at a certain time, they are

allowed to take it. We have a regular system for that, but otherwise there is no circulation.

MISS FORGEUS: How many have a fixed period of time that they let a book go out? I think most of the law libraries do that.

CHAIRMAN MORSE: Most of the libraries do establish a time limit on the books. Mr. McKavitt, Miss Forgeus had a question to ask you about the book pocket in the back of each book.

MR. MATTHEW A. MCKAVITT (Librarian, Department of Justice, Washington, D. C.): If anyone wants to see how this system works, all that is necessary is to look at that staff manual which I have left at the speaker's table for inspection. We have most of the pocket parts in, and eventually we are going to have two cards—one under date and one under author. I explained this, by the way, in the article* I wrote on the Department of Justice Library last year.

MISS FORGEUS: There is the question of fines.

CHAIRMAN MORSE: May we have some discussion on that? Is there any library that has had any success in restricting loans of books? Miss Lathrop, what has been your experience?

MISS LATHROP: Our time limit is twenty-four hours, but we do not enforce that strictly provided nobody else wants the book. Of course, ours is a private library and the members of the Detroit Bar Association are the ones who are entitled to the books. If within twenty-four hours another member wants the book, we can call it in. We have no trouble getting the book back unless the opposing side wants it, and then it is sometimes difficult. However, at the end of the week we send a postcard overdue notice, which is among the samples I turned in, and the second notice is a letter from the librarian reminding the member that there are other members in the Association who need the book that he has. If we get no response to that letter, a second letter is sent which says: "I deeply regret to inform you that, according to the rules of the Detroit Bar Association, beginning tomorrow morning at nine o'clock you will be charged a fine of fifty cents a day for the book." We collect the fine. I collected \$7.50 from one of the most prominent lawyers in Detroit.

MISS FORGEUS: I was astonished at the amount Mr. Johnston collects in their fines.

MR. JOHNSTON: We collected \$843.00 last year and we did not collect \$48.00, but we will. May I speak a little bit on this subject? First I would like to ask one question on the preceding issue. Is there any library represented in this room that gives from three days to two weeks for the circulation of each and everything they have in the library, with certain exceptions? We do. The exceptions are atlases, encyclopedias, dictionaries, services and statutes of which we have only one copy. Every other book we have can go out three days. For

* 32 L. Lib. J. 271 at 275 (Sept. 1939). *Editor's note.*

instance, the thousands upon thousands of state reports and textbooks are three-day books. They give a receipt when they take them out and at the end of three days we send them a postcard, printed in black, reciting the by-laws. It is simply a notice that the book is due. It goes out at ten o'clock at the end of the three days—we do not count Sundays or holidays—and the member knows then that he may be subject to a fine. If he knows the by-laws strictly, which we do not try to tell him, automatically the loan of that book is extended for three more days, and when you count Sunday it really makes a week.

At the end of the sixth day we send out practically the same postcard only printed in red. On ten o'clock of the night of the sixth day, before we close up, everybody who owes us a fine gets the postcard, and the next day it is followed up with the printed memorandum, with the man's name, his address and so forth. Generally, the money comes in very quickly. Sometimes if it does not come in quickly we wait until the end of the month and send another notice. If that is not effective, we generally get them on the telephone and ask them why. If that isn't effective, we send them a notice that if they do not pay they do not use the library. That is effective in most every instance.

As I say, we collect practically all of our fines. We got them all but about 5 or 6 per cent last year and I think those 5 or 6 per cent will be collected some time this year. In other words, we keep after them and we do not have much trouble with our people.

Did you explain the part of our work for calling in books?

MISS FORGEUS: I have your forms here. I could not discuss the system of each separate library because we have about a half-dozen represented.

MR. JOHNSTON: One other question I do want to ask: Is there any library represented here that allows all the books out, as I have indicated—we will say, from three days to two weeks—except the few that I have mentioned, like statutes where there is only one copy?

MISS MARGARET E. HALL (Columbia U. Law Library, New York, N. Y.): Mr. Lindquist does that. That is the only one I know of.

CHAIRMAN MORSE: Miss Boyd, of the Social Security Board Library, raised her hand. Is there anyone in the law school libraries who has had success with fines?

MISS EUNICE COX (Law Librarian, Washington University, St. Louis, Mo.): We put fines on over-night books that are not returned by nine-thirty and have found that this system gets the books in promptly. The fine is fifty cents if the book is not in by nine-thirty and goes up five cents an hour to a dollar a day afterwards. We further blackmail the student by not allowing him his grade at the end of the semester if he has not paid the fine, and the books come in with great promptness.

MR. REGISTER: We have a fine of twenty-five cents that we establish at ten o'clock in the morning.

MR. HARRISON M. MACDONALD (Law Librarian, Boston University, Boston, Mass.): Mine is exactly the same, except that nine-thirty is the limit. We rarely go beyond the twenty-five cent fine. We found it quite successful. The minimum fine is twenty-five cents.

MR. JOHNSTON: Ours is ten cents.

MISS FORGEUS: On the matter of pushing the outside reading, what do you do at Cornell? Do you advertise when you get a book like *The Country Lawyer* and advise the students to read it and hand it out in turn for them, or do you just let them hunt for it?

CHAIRMAN MORSE: We are developing what you may call a "browsing collection" or "loan section" that is being built up for the purpose of encouraging outside reading. The problem is what to keep out of that. Everything like *The Country Lawyer* seems to be going in there.

Are there any other librarians who have dealt with that problem and would like to talk about it? Exactly what do you do with law books of a general nature? Do you encourage the loan of them or are you as strict with them as you are with any other book?

MISS COX: General texts can go out for two weeks, with a very nominal fine of five cents a day for overdue.

CHAIRMAN MORSE: That is very liberal. Are there any other librarians who have a system like that?

MRS. LONG: Last year we started a new plan that worked very well. We picked a book of a general nature every month and called it "the legal book of the month." It was mostly for freshmen. They were allowed to take the book out for two weeks. We had to have several copies, of course. The regular fine of two cents a day over two weeks was put on, but it did encourage a lot of reading.

MISS MOYLAN: May I ask Miss Forgeus whether they have a special collection of books for recreational reading housed in other parts of the law building?

MISS FORGEUS: No. Many of the Yale law students live in the building and hence have easy access to the library. It is an advantage because if a student has a book that we need in a hurry we can send a messenger over for it.

MISS MOYLAN: We have a special section devoted to literature of a non-technical type, and also we have a limited amount of professional material. It is not designed to replace the law library but just to furnish a certain additional incentive. I find, however, that magazines, like *Esquire* and the *New Yorker*, are more popular than the books.

MISS HARGRAVE: Each week we post a mimeographed sheet listing the leading articles in periodicals and the new general works that have been received that week.

CHAIRMAN MORSE: I am sorry, but we will have to bring this topic to a close. We could probably talk about it all afternoon. Miss Forgeus, was there any question that you would like to ask in conclusion?

MISS FORGEUS: I think we have covered things pretty well.

CHAIRMAN MORSE: We are certainly indebted to you for the amount of

research and work you have done. You have made a splendid contribution. Thank you very much.

Our next paper will deal with "Pamphlets" which, shall we say, are a curse to all of us in a certain sense. We are favored this afternoon in having the Dean of our group cover that topic. He needs no introduction. Professor Eldon R. James, of Harvard, will now tell us about "Pamphlets."

[Professor James then read his prepared paper.]

TREATMENT OF PAMPHLETS AND OTHER UNBOUND MATERIAL IN THE HARVARD LAW SCHOOL LIBRARY

ELDON R. JAMES

Librarian, Harvard Law School Library

We regard any unbound publication of less than 100 pages as a pamphlet, but much unbound material of more than 100 pages is treated very much as though it consisted of technical pamphlets. Unbound treatises of volume dimensions are bound, but there is much unbound multigraphed material coming into the library, chiefly from various government agencies, which is not bound; and also some printed material which it is thought will not be subjected to heavy use or which may not be completed for a considerable time, which is dealt with in the same way as technical pamphlets. Hence, what I shall have to say will be concerned with unbound material without reference to size.

We do different things with unbound material, depending partly upon our decision as to the use to which it is to be put or upon our ideas as to its permanent value, or simply follow an already established practice. As I mentioned a moment ago, all unbound treatises, chiefly non-Anglo-American, we plan to bind. All periodicals are bound except extra numbers containing articles for which we anticipate a heavy demand from students, which are dealt with as I shall hereafter describe. Numbers of periodicals received in continuation of sets are kept in boxes with the sets until the volume is completed and then are permanently bound.

Foreign theses and dissertations, of which we have a very large number, are sorted by universities and years and filed in steel transfer cases until it can be determined that we are not likely to receive more for a particular year from a single university. They are then bound in convenient sized volumes which contain only those from one university and for one year. In these volumes the theses are arranged alphabetically by authors.

The pamphlets and other unbound material from foreign countries are, pending ultimate binding, kept in pamphlet boxes, arranged alphabetically by authors, and shelved at the beginning of each letter of the alphabet.

The pamphlets in our International Law, Criminology, and Anglo-American treatise sections, as well as in the legislative sections, and other unbound material intended for ultimate permanent binding, are put into covers made of heavy

manila stock, called "oak tag." These are stapled and then lettered, labeled, shelf-numbered, and shelved with bound volumes, unless it is decided to have a particular pamphlet bound permanently because of contemplated heavy use. The same procedure is followed in the administrative law section unless the unbound material forms part of something which might be regarded as a continuation, such as releases emanating from a particular state or federal agency or bureau. In the latter case when sufficient have accumulated to make a volume, they are either bound permanently or put into oak tag folders and tied with tapes and lettered.

We have the records and briefs from the United States Supreme Court, the ten Circuit Courts of Appeal, the Supreme Judicial Court of Massachusetts, the New York Court of Appeals, and the Supreme Court of Pennsylvania. The records and briefs from the Supreme Court of the United States, in cases reported in a particular volume of the United States Reports, are arranged alphabetically by the names of the first parties in the Supreme Court and are then bound permanently. The arrangement of the papers in each case is such that the record comes first and the other papers follow in the order in which they were filed with the Court.

The Massachusetts records and briefs are arranged and bound in the same way by volumes of the Massachusetts Reports.

The records and briefs from the other courts are not bound, not because they are regarded as of less importance than those from Massachusetts, but simply because we do not have the necessary funds for binding. The New York and Pennsylvania papers are arranged as those from the United States Supreme Court and the Supreme Judicial Court of Massachusetts, but are put in oak tag folders or cases lettered and tied with tapes.

We bind the papers from the First and Second Circuit Courts of Appeal following the volumes of the Federal Reporter. These are subject to heavy use and are therefore dealt with in permanent fashion.

The records and briefs from the Fourth, Fifth, Seventh, Eighth, Ninth, and Tenth Circuits, which have been and still are uniform in size, are arranged by docket number and filed in steel transfer cases. These cases are legal size and cost between \$4.00 and \$4.50 apiece in lots of 100. They are equipped with rolls at the front of each drawer and the drawers, even when filled, are easy to pull out. One legal size case will accommodate two rows of briefs and records, and the cost is only about two-thirds of the cost of regular open shelving when figured on the basis of running feet of material to be shelved. The cases can be put one on top of each other in stacks of four or more, and the tops can be used for other things. The papers are kept clean and can be easily and rapidly withdrawn when needed. Through the use of these cases, it is possible to store more than twice the amount within a particular area.

In the past, the papers from the Third and Sixth Circuits have been too large to be filed in transfer cases, so these have been tied up in oak tag cases or folders and arranged by docket numbers on open shelves. However, at the present time, these papers are now coming in a size uniform with those from the

other circuits and, therefore, they are being filed in the steel transfer cases just mentioned.

The advance sheets, slip laws, slip decisions and the multigraphed publications of state and federal departments and bureaus raise some very difficult problems. By advance sheets I mean something temporary, such as those issued by the various units of the Reporter system. The Reporter advance sheets used in the reading rooms are kept in stiff-backed binders. Those in the stacks are merely placed on the shelves at the ends of the respective sets and, while this is not a very satisfactory arrangement from certain standpoints, it is possible for a number of persons to use them without withdrawing a whole volume from circulation as is the case with those in the binders. Slip laws, slip decisions, House and Senate reports and similar material are collected together in convenient sized bundles about $\frac{3}{8}$ inch in thickness and stapled into oak tag folders, which keeps them clean and gives some protection at a minimum of cost. The multigraphed publications of state and federal departments and bureaus have been found extremely difficult to handle if placed on open shelves, so they are filed in transfer cases and the large envelopes in which they come are used as folders.

I have mentioned our extensive use of oak tag, a heavy manila stock. It might be useful to say something more about this and also to speak of the lettering device we use. I do not know the name of the manufacturer of oak tag, but we purchase it through a wholesaler in Boston in 200 to 250 pound rolls, 40 inches wide. The oak tag is cut to size with a minimum of waste by a levered cutter.

The pages who do this sort of temporary binding in their spare time use a ruler and an ordinary bone folder in order to cut the oak tag to the exact size required. After the cover has been cut in the size and shape needed for the particular job, it is then stapled by means of a heavy hand stapling machine to the material which is to be covered; or, if it is not to be stapled, tape is attached to the cover or case so that the material intended to be put into the case can be tied in.

The cover, whether in the case or folder form or in the form of temporary binding, is then lettered by the Leroy lettering outfit manufactured for the use of draftsmen by Keuffel and Esser. This consists of a pen, or rather a stylus, attached to a movable arm, with the stylus at one end and a guide at the other. The guide is placed in a letter of an alphabet which is depressed in a templet. We formerly had the lettering done by hand with consequent irregularities, and unless the boy was especially skillful the result was not always satisfactory. With the Leroy outfit, however, any of the boys can produce lettering which is uniformly satisfactory, even with very little practice. The Leroy outfit, which can be purchased at any place where drafting instruments are sold, has a number of templets giving letters of different sizes. We have one large sized templet for sign writing which has given us very satisfactory results. I have no hesitation in recommending the Leroy outfit for any and all lettering jobs. Drafting ink

should be used. One advantage in using the Leroy outfit by our staff of pages is that a boy can be called away for other work in the midst of a lettering job, and when he is free he can return to it and finish without any variation in the lettering.

All of this temporary binding and lettering is done by members of our regular staff when they are not otherwise engaged in running or shelving books.

I have here a few samples of our use of oak tag and of our lettering, which I shall be glad to show any one interested. I can add only that it has saved us a great deal of money at no additional labor cost.

I wish to acknowledge the assistance of Mr. Philip Putnam of our staff in the preparation of this account of our various procedures. [Applause.]

MR. DRUKER: What is the cost of the lettering outfit?

MR. GEORGE A. JOHNSTON (Librarian, Law Society of Upper Canada, Osgoode Hall, Toronto, Canada): It is about \$15.00 in this country; a little bit less for you.

MR. JAMES: If you only get one stylus, it is inexpensive. We found it necessary to have at least two templates of the same size of lettering to keep two boys busy, and then we use this extraordinarily large size for sign writing. We can turn out what to us seem to be very satisfactory signs. We use them for all purposes.

By the way, we do permit withdrawal of books for a week, and not more than a week, in the gentlemen's reading room Miss Moylan referred to.

I do not know whether this Leroy lettering outfit is used in libraries other than Mr. Johnston's and ours.

MR. JOHNSTON: I got the idea from your library.

MR. JAMES: Mr. Dwyer happened by chance to look into a show window of a drafting instrument place in Boston, saw this, and thought it was a very good idea. The forms that Miss Forgeus put around are also made by the Leroy lettering outfit. You can shift the angle of the stylus so that you can get slanting lettering as well as straight up-and-down lettering. If you have lettering problems I certainly advise the investigation of this Leroy lettering outfit. You can get it at any place where they sell drafting instruments.

MISS FORGEUS: Don't the steel transfer cases for your Records and Briefs get very bulky? Don't they take up a lot of space?

MR. JAMES: Oh, yes, they get bulky, but shelves get bulky, too.

MISS FORGEUS: Where do you keep them?

MR. JAMES: We keep them in the aisles where there is room to pass and in odd corners even where stacks would not go in.

MISS COX: How do you letter them?

MR. JAMES: They are lettered on the outside with the contents. We have used the cases sometimes for partitions. If there were parts of the library that we wanted to divide off we just put these filing cases in there. They cost \$4.50 apiece in lots of a hundred, which is no inconsiderable amount, but we have found them very satisfactory. They keep things clean. Of course, what we

put in there we do not bind. We do not even handle them with this process. We just put them in there with proper arrangement. The material can be gotten at very quickly, but, like putting in shelves, you ultimately consume all your space. As far as capacity is concerned, we found it considerably cheaper than shelving.

MR. VANCE: I wonder if Brother James would mind giving us some further details about the boys on his staff. What are the ages of these boys, and what salary do they receive?

MR. JAMES: One of them is retiring the first of September after having served the library 57 years. [Laughter] That is our dear old John, beloved by every graduate of the Harvard Law School since 1883. He came to us in November, 1883. He has now reached the mature age of 70 and he is retiring and we are all deeply loath to think of John going. It is a real break with the past. There is also Mr. Anderson, who can hardly be called a boy. John started as a boy and Anderson started as a boy. Anderson has been with us 47 or 48 years. They run from that age all the way down to 16. We are not allowed to take them, under present arrangements, under 16.

We have, of course, benefited by the depression. We have had almost no turnover among these boys and the result is that all of them are extraordinarily expert in all of the library activities with which they are concerned. Should we ever again have prosperity in this country and opportunity for young people our turnover would be greater and our service in the library would be very much lessened. The members of the faculty tell me that we have a grand staff, and I say: "Yes, it is due to the depression and nothing else," because we never expected these boys to stay with us more than a few years. I do not suppose there is one who has not been with us ten years, except the part time boys.

The young man who is going to take John's place at the desk in the reading room surprised me the other day by saying: "I've been in this library twenty years." He is 32 years of age. He came to us when he was 12. Well, that is the kind to have if you can get them. I am afraid we cannot get them any more, but we still have a few of them left.

MR. VANCE: Would you mind stating what salaries you pay these boys?

MR. JAMES: It is a matter of record. When I came to the library in 1923 we were starting out these boys at \$50.00 a month, and then we got to paying them \$55.00. We had to raise in competition with the opportunities outside. Office boys in Boston were getting \$15.00, \$20.00 a week, to start out with. We got up to \$60.00. Now we take nobody on the staff under \$65.00 a month, except these part time boys who are paid merely by the hour. They are paid all through the year and are given a three-week vacation in the summer on full pay. We reduced them to an eight-hour day. They formerly worked 47 or 48 hours per week. I think it is now 42 hours.

MR. RIGGS: Is there a salary raise if they stay with you?

MR. JAMES: Yes, if the budget permits it, but the budget does not always

permit it. We have very little turnover even though the salary is not high. Most of these boys ought to be out in other employment. For almost all of them it is a blind alley employment, but they are extraordinarily expert. They must know the library. They are also for the most part capable of giving a great deal of help to students.

MR. RIGGS: Are any of them married?

MR. JAMES: One of the boys who will be promoted this fall who has been with us for a number of years is married. We have four members of one family. The young man who is to take John's place at the desk has three brothers on the staff. One of his brothers who is to be promoted into one of the secretarial positions is married. The senior members of the staff are for the most part married. The problem is what to do with these boys. After all, they are doing what is essentially page work and that does not mean an income that is capable of supporting a family.

MR. VANCE: Do they take advantage of the night law schools?

MR. JAMES: We have several men who have graduated from law schools. We had one colored boy who went through Boston University. We arranged his time so that he could work late afternoons and at night. The boy who is taking John's place had two years of work in Boston College and then went four years to the Boston College Law School. He is a very good man. Of course, I arranged his work so that he could do it. He stayed away mornings. His law school work was not night work at all. He came on in the middle of the afternoon and stayed until ten o'clock at night. He is the one who has been with us 20 years; a senior member of the staff.

You all know Mr. Schenk. Mr. Schenk is doing a splendid job. He has charge of our subsidiary library in Austin Hall which is vastly improved under his supervision, not only in the service which is rendered over there but also in the expansion of the collection. As you know, he is the most insistent person. He keeps after me all the time to buy more books over there, and we have bought books.

MR. RIGGS: Do those boys have a chance of making any additional money?

MR. JAMES: They do in a way because we keep open on Saturday nights, Sunday afternoons and on holidays and I never get outsiders to do that. We pay these boys fifty cents an hour for all overtime work of that sort and they divide it up. I do not know how it is done, but it is divided so that it is spread around among the boys. We do not use them in this new browsing room or reading room that has been established. I have a permanent attendant in there. For the odd times—the evenings and holidays and noon hour—I use students, but I do not use members of the staff in there. It does not amount to much but every week it means an increment to somebody's pay of from \$2.00 to \$4.00.

CHAIRMAN MORSE: Thank you very much, Mr. James. You have made a fine contribution.

Our next speaker will be Miss Lathrop, who is going to talk on the problem of "Federal and State Check Lists." Miss Lathrop needs no introduction.

[Miss Lathrop then read her paper.]

FEDERAL AND STATE CHECK LISTS

OLIVE C. LATHROP

Librarian, Detroit Bar Association Library

The greater part of the federal documents are published in Washington by the Government Printing Office, the head of which is the Superintendent of Documents. During the New Deal's first years their material was published faster than government presses could print it, and permission was sought and had by certain Congressional committees, and even by certain bureaus, to have their output published outside. To check on these publications one must consult private lists rather than those which the Government issues.

If a library wishes to have a list as complete as possible of the publications of the Government, one should possess: Poore's Document Catalogue of Government Publications, 1774-1881; Ames' Comprehensive Index to the Publications of the U. S. Government, 1881-1893; the Document catalog, issued biennially since 1893, and probably the Check List of U. S. Public Documents, 1789-1909 and Miss Hasse's Government publications, 1902-3. These lists are carefully prepared, and although in the nature of a catalog rather than a check list, they furnish the only complete list available. The full title of the Document Catalogue, which now fills about twenty-five volumes, is Catalogue of Public Documents of the . . . Congress and all Departments of Government of the United States. It is a dictionary catalog, meaning that it has entries under individual authors, governmental authorities and subjects, with cross references.

The American Library Association has published various manuals having lists of government publications. The best of these are: Wyer's United States Government Documents, 1933; Kuhlman's Public Documents, 1933, 1935, 1936, 1937 and 1938. The latter volumes are collections of papers presented at A.L.A. conferences, and include municipal, state and foreign as well as government documents. They have also several books by J. K. Wilcox. One that should be mentioned here is Guide to the official Publications of the New Deal administration, 1937, which inevitably reminds us of our own Dr. Beardsley's Bibliography of the NIRA, including Government and State Documents, printed in Vol. 27, No. 2, LAW LIBRARY JOURNAL, April, 1934.

Advantageously, along with the great increase in production of government documents there has come an increased number of aids in locating them. In 1939 the Brookings Institution published a second edition of its useful volume entitled *Government Publications and Their Use*, by Schmeckebier. This book describes very fully the publications of Congress and of the various departments and bureaus. It can be made to serve as a bibliography of the check lists available for such papers. Perhaps this is its best feature, since, like Graske, *Federal*

Reference Manual, 1939, its location of bureaus must be checked for present accuracy. The Graske volume exhibiting a great deal of research, was no more than published when the President's reorganization orders made much of it obsolete, and it was necessary to purchase a very large 1940 Supplement.

The best known and probably the most widely used list, filling the gap between the biennial volumes of the Document Catalogue, is the Monthly Catalogue, 1895 to date. Very recently it has been issued in brown manila covers bearing a new title: United States Government Publications, Monthly Catalog. It is indispensable to any library, law or otherwise, and its moderate subscription price (\$1.50, U. S. Sup't of Documents) would hardly strain the most modest budget.

It has one or two disadvantageous features. It appears about two months after its published date. We received our March, 1940 issue on May 20th. It is, therefore, slow to announce publications of which a library may be in need. Its Annual Index, which comes out about six months after the year is closed, is arranged under very general subject headings with numberless page references each of which must be examined to see if it is the entry desired. Aside from these defects, which might be remedied, there is a wealth of information in each issue, and it is set forth with meticulous attention to detail. There is a strict alphabetical arrangement of authorities whether the Congress, department or bureau, and under each an entry by subject, followed by the proper title, the author, if any, the date, number of pages, binding and the source of supply together with the price. In some cases there is a brief table of contents or other description of the material.

From time to time the Superintendent of Documents issues Price Lists, each being given an edition number and each devoted to one or more related subjects. The entries are similar to those in the Monthly Catalog, but the state of the stock is not guaranteed. You may or you may not find them with the item "in." I would suggest the following numbers as desirable for any law library: No. 10, Laws, Federal (statutes and compilations of laws on various subjects); No. 25, Transportation and Panama Canal, railroad and shipping problems, telegraphs and telephones; No. 28, Finance, accounting, banking and loans; No. 31, Education including agriculture and vocational education, libraries; No. 32, Insular possessions; No. 33, Child labor, women workers, wages, workmen's compensation; No. 36, Government periodicals; No. 37, Tariff, income tax; No. 42, Irrigation, drainage, water power; No. 50, American history and biography; No. 51, Political science, political parties, courts; No. 59, Interstate Commerce Commission; No. 62, Commerce and manufacturing, foreign trade, trusts and public utilities; No. 65, Foreign relations; No. 67, Aliens, immigration and citizenship. Always request the latest edition of the Price List. There is no charge for them. Many of the departments and bureaus publish lists of their publications, which may be had for the writing.

A check list is by its very name a list of publications against which one may check his own collection or on which he may indicate desired items. The latter type might well be a publishers' list. There are many of these, or perhaps they

are variations of the same list put out by different publishers. There is always a list of textbooks, state reports, digests, statutes, etc., followed by a subject index. In our Library we have an early example of this type of list. It is a Catalogue of Law Books published for Gould and Company, Albany, N. Y., 1885. In the section devoted to state reports there had been checked the state reports which were in the Bar Library at that time. This was interesting to me because items which were missing when I took charge were missing in 1885, and therefore had not just recently disappeared. The Central Book Company, New York, Bobbs-Merrill Company, Indianapolis, The National Law Book Company, Washington, D. C., and Goodspeed's of Boston all publish good lists of early colonial or territorial reports and laws and of state session laws and compilations.

When one comes to the subject of check lists for state documents, reports and laws one hardly knows where to end, the list is so long. The printed catalog of a law library makes an excellent check list. The Association of the Bar of the City of New York in 1892, the Michigan State Library in 1896, the Chicago Law Institute in 1902 and in 1937, the Law Library of Harvard Law School in 1909, the Library Company of the Baltimore Bar in 1916 and in 1930, printed their catalogs and these lists have been exceedingly helpful to me, on many occasions. *The Lawyer's Reference Manual of Law Books and Citations* by Charles C. Soule, Boston, 1884, was an early vade mecum. It is not so much a check list, as an example of an aid to law librarians, such as the later publications by Professor Hicks, Dr. Beardsley and others.

For many years the Handlist of Legislative Sessions and Session Laws, Statutory Revisions, Compilations, Codes, etc., published by the Trustees of the State Library of Massachusetts, under the direction of C. F. D. Belden, 1912, was the authority to which we all turned for identification of state laws. Its only limitation was the date of publication, since its supplements were not published. I understand that typewritten lists of Massachusetts State Library accessions are procurable, since Mr. Stebbins, Librarian of the Social Law Library of Boston, includes them in his check list authorities.

From 1933 to 1938, the Public Documents Clearing House Committee of the National Association of State Libraries was active in preparing and publishing a Check List of Session Laws, 1936, a Check List of Statutes including revisions, compilations, digests, codes and indexes, 1937, and, in 1938, a Check List of Legislative Journals. This Committee functioned cooperatively, and the lists were checked by state libraries, historical societies and university libraries, the editing and publishing being done under the supervision of Mr. Herbert O. Brigham, former State Librarian of Rhode Island. The three volumes can be had, although the supply is limited, at a somewhat reduced price from that asked in the beginning.

Our own members have, from time to time, presented before the conferences of the Association papers dealing with state reports and statutes in many states and foreign countries. To anyone interested I recommend a study of the Index to LAW LIBRARY JOURNAL, v. I to XX, 1908-27, and its Supplement, v. 21-29, 1928-36, also various issues since those dates for lists of legal literature in

California, Delaware, Georgia, Kansas, Louisiana, New Hampshire, New Jersey, New York, Oregon and Pennsylvania. The Check List of Current American State Reports and Session Laws has been published in the JOURNAL since volume 8, with an interim from 1933 to 1937 when it was published in the LAW LIBRARY NEWS.

The Legislative Reference Bureau of the Library of Congress, under the late H. H. B. Meyer, Chief, had, for some years, compiled on cards an index to the legislation of the various states, and when on February 10, 1927, the Congress enacted legislation providing for an Index and Digest of State Legislation it was to this list, under the direction of Miss Margaret Stewart, that Mr. Meyer turned. A committee of the American Association of Law Libraries, under the chairmanship of Mr. Luther Hewitt, Librarian of the Philadelphia Bar Association Library, had done a great deal of spade-work with the members of Congress and it was Mr. Hewitt's unflagging interest which was, in part at least, responsible for the appropriation finally made for the publication. I was a member of that committee and well remember the number of letters written to various Congressmen. Six biennial volumes have been published covering the years 1925 to 1936. In the Annual Report of the Librarian of Congress for 1939, I note Miss Stewart reports that the seventh biennial volume, comprising an index to the state laws of 1937 and 1938 is now in press. These volumes may be had from the Superintendent of Documents for a price varying from \$1.25 to \$1.75 each.

The American Library Association has a new volume by J. K. Wilcox entitled *Manual on the Use of State Publications*, 1940. Part 2 of this work lists by states bibliographic check lists of state publications and selected references on documents. Part 5 cites the law and briefly describes the agency responsible for printing, distributing, etc., of the principal state documents.

When I applied to several of my law library friends for help on my subject, they all, with one accord, cited me, as their most valuable aid, the Monthly Catalog of Government Documents, to which I have referred, and the Monthly Check List of State Publications, issued by the Library of Congress and sold by the Superintendent of Documents at a subscription price of \$1.50 per year. This valuable list was first published in 1910, and includes such state publications as are received by the Library of Congress. Schmeckebier has this to say: "While the Library is endeavoring to make a comprehensive collection of state publications, this list necessarily falls short of being complete to the extent that reports are not deposited. The omissions do not detract from the value of the list which is the only one of its character."

Many librarians make use of Public Affairs Information Service and of Mr. Price's list in the *American Political Science Review*. I understand that Miss Moylan, Mr. Morse and Miss Johnson of the University of Michigan have contributed to the Annual Handbook of the National Conference of Judicial Councils of which the second volume has just been issued. This Handbook takes the place of the Survey published last year and is therefore called Volume 2. It is

published at 744 Broad Street, Newark, New Jersey. It includes a check list, a survey and an index of judicial council publications.

CHAIRMAN MORSE: Thank you very much, Miss Lathrop. It will be a great help to all of us to refer to your paper. It will be printed in the JOURNAL.

MISS LATHROP: I think there are many other check lists that I neglected to mention.

MISS HALL: I find the lists that the W.P.A. Library in Washington puts out very useful for they call attention to government documents about as promptly as any service.

CHAIRMAN MORSE: There are a number of W.P.A. bibliographies. We will hear more about that this afternoon. We have a gentleman here who will discuss that a little more in detail.

If there are no further questions we will continue with the topic "Cooperatives and Exchanges," by Miss Eunice Cox of Washington University.

COOPERATIVES AND EXCHANGES

EUNICE COX

Law Librarian, Washington University

Mr. Morse, I want to tell you with what enthusiasm I heard Dr. Beardsley's recommendations yesterday morning, that this Association undertake a real study of the problem of our Exchange and that something be done to make it a truly effective cooperative effort. That is precisely what I had prepared to come before you and ask.

As you know, our Exchange is a young enterprise. It is now two years old. We at Washington University who have become its custodians need your guidance and your aid. There are a great many problems connected with it which we feel we are not able to solve alone and we want your help.

As you may probably know, the Exchange was started two years ago by Mr. Dabagh when he was at Berkeley. It was carried on after he left by Miss Kilbourn, who in September 1939 sent it on to Washington University. Mr. Dabagh, apparently, started this Exchange from lists which were sent to him. He took the items and transferred them onto three by five slips and cards. For this purpose he set up a form. It included: author or title, name of the institution, the date received, the price if any, whether it was a want or a duplicate and a classification initial. We have retained this form as well as the general classification scheme which Mr. Dabagh set up.

The general classification sets up twelve classes: Attorneys General Reports, Bar and similar Proceedings, Commission Reports, Encyclopedias and Digests, Foreign Law Texts and Miscellany, International Law, Judicial Council and Administrative Reports, Periodicals, State Reports, Statutes and Session Laws, Anglo-American Texts, and Miscellaneous Material.

The method followed has been to set up a file of three by five slips on each of which is placed one title. If that title is a periodical, the slip notes the num-

bers and volumes offered and the card is labeled either "duplicate" or "want." Other materials, such as texts are treated in like manner.

When a list of "wants" is received the cards are classified first into the twelve large classes and then filed. If in filing, it is noted that a "want" card matched a "duplicate" card, the two libraries concerned are notified and then the libraries themselves undertake to complete the exchange on whatever basis they may desire. I understand that in most cases it has been a number for number exchange. I personally have no knowledge of any sales. At the completion of the exchange transactions, the libraries are requested to inform the Exchange so that the file may be corrected. I might say that I am sure a number of exchanges have been completed of which we have no notice and, therefore, the file is in those particulars inaccurate.

This routine which was set up by Mr. Dabagh has been continued at Washington University. A substantial portion of the material which we received was still in the form of lists and has been gradually transferred onto three by five cards and placed in the file. However, some lists still remain because during the year we have received added material in list form. In the *LAW LIBRARY JOURNAL* this year we requested that the material be sent in on slips and gave a suggested form. Most of the material received since then has come in on this form. As you can see, it facilitates the work at our end and does away with error in transcribing from the lists to the cards by the N.Y.A. typist who does this work.

To give you a brief picture of what we have accomplished this year here are a few statistics: 352 hours of filing have been done by N.Y.A. students; 100 letters of notification have been written; 107 hours of typing—that is, of letters, notices, and the transferring of items from lists to three by five cards—have been done; approximately 5,000 three by five slips have been received, and about 8 lists which vary in length from 75 to several hundred items per list. The number of exchanges which have been completed is not known. I have no statistics on that and not much opportunity to get such information unless the libraries will themselves report it to me. We have at the present time 18 libraries participating: Duke University, University of Chicago, University of Louisville, University of Oregon, Los Angeles County Law Library, Kansas State Library, Wayne University, North Carolina Supreme Court Library, Lincoln University, University of California, Boston University, U. S. Department of Justice Library, University of Minnesota, The George Washington University, Association of the Bar of the City of New York, New Mexico Law Library, and, of course, our own at Washington University.

When I first received the file from Miss Kilbourn and was trying to understand its set-up, to visualize its problems and plan the course that it could most profitably take, I inquired around to see if there might be a similar Exchange in some other organization to which I might look for guidance and to see what had been their experience. I found such an Exchange and because of the recommendation of Dr. Beardsley I want to tell you a little bit about it because it

is 42 years old and an eminently successful Exchange, and because it differs from the one which we have started in a rather fundamental way.

This Exchange is the Medical Association Exchange started in 1898. It is also now housed at Washington University, in the Medical School Library and has been under the management of the Librarian, Miss Ella Lawrence, since 1926. The Medical Library Association has about 236 members, and last year 85 libraries participated in exchanges.

Last year Miss Lawrence began to keep statistics, and those statistics are very interesting. They showed that Boston University Medical Library sent out 150 packages of materials to other libraries. Some of the other libraries were much more specific in their report, for instance, Columbia University Medical School Library sent out 2,413 unbound numbers and 116 bound volumes. Harvard University Medical School Library sent 5,125 unbound periodical numbers, 681 bound volumes of periodicals, 317 pamphlets, 334 texts—and all this to 133 libraries. And so on down the list. I believe the University of California sent out something like 13,000 unbound numbers.

The Medical Exchange operates with two objectives in mind. One is that shelf space is precious and not to be wasted upon duplicates. Second, and I want to quote from their bulletin: "All libraries should be glad to give to the smaller ones from their abundant stores the common material which they no longer need."

The aim of this Exchange is altruistic. It works in the following manner: Each library sends to the manager, Miss Lawrence, a list of its duplicates which it is willing to give to some other library. These are assigned lot numbers and then about eight times a year Miss Lawrence issues mimeographed master lists on which the material offered is listed by lot number, each lot number bearing the label of the offering library. Each list is about 24 pages long single spaced. There are a great many items offered.

The member libraries, each of which receive one of these master lists, check their wants and send them back to Miss Lawrence. They do this by selecting their books by lot number and each selection that they make is placed upon a separate page by lots. For instance, if they choose five books from lot one they put all of those, with exact information, on a separate page. If they choose another book from lot ten, they put that on a separate page. A deadline is set for receiving this material.

Then in order to handle the cases in which a number of libraries want the same item the rule has been laid down that the libraries be rated according to their size; that is, number of volumes, as officially reported in the American Medical Association Journal. On the basis of this size-rating the largest libraries get the first choice. I am given to understand that this redounds to the benefit mainly of the smaller libraries and that all the libraries are well satisfied with this arrangement.

There are admittedly some drawbacks to this plan. Miss Lawrence assures me that very often duplicates are received by libraries and she has yet to think

of any way in which to eliminate this. Also, it is expensive. In the year 1937-38, which is the latest period for which figures are available, \$1,365.00 was spent on the Medical Association Exchange, \$710.00 of it going to the employment of a half-time person who undertook most of the labor involved in assigning the various duplicates to the libraries which wanted them.

I have brought this Medical Association Exchange to your attention because its experience may aid us in solving some of the problems of our own exchange. As the law libraries' Exchange is now organized, it requires the attention of one person who can devote at least half time to it. N.Y.A. help, upon which we have had to rely, is, of course, spasmodic and not always reliable.

I want to point out, too, that only a small part of the membership of this Association has availed itself of our service and yet we have not always been able to keep abreast of the incoming material. All members should participate, and that is what we look forward to.

There are certain questions that I want to raise and would like to have you answer if you will. Should the Exchange limit its effort to one of these classes alone—say, to periodicals—and do that job, and that alone, very, very effectively and efficiently? Or would it be advisable to split the work of the Exchange and have a central depot to which all lists or three by five slips of wants and duplicates should be sent and then have the manager in charge of the depot parcel out the work: Library A take care of bar association reports, Library B take care of periodicals, etc., and then any miscellaneous material that might be received could very well be handled by the central depot? Or would this plan perhaps slow the exchange too much? Would it be too cumbersome? Should law book dealers be admitted to our Exchange? I have had several requests for information on this from law book firms and I would like to know your pleasure in the matter.

Would the Exchange work more effectively if we adopted some sort of arrangement similar to the Medical Association Exchange and issued master lists showing precisely what was offered? Should our purpose be directed toward pure altruism or should we retain the method under which we now seem to operate?

As I have said before, we at Washington University need your advice and your help in guiding this Exchange to become the effective cooperative effort that you had in mind when you started it. I would like some questions and some suggestions. [Applause.]

CHAIRMAN MORSE: Thank you very much, Miss Cox. We will see what we can do about the suggestions. I know your report has opened my eyes. I never realized what an Exchange we have. You have presented a large problem and we have only about five minutes for discussion. Perhaps it is too big a problem to dispose of so hurriedly. We may have to appoint a committee to make a survey and recommendations.

MISS COX: I would like to have your opinion on law book dealers. For instance, sometimes they have sent us requests for definite material. Sometimes

they would like to know generally what duplicates are offered so that they may contact the libraries to make an offer, I suppose. Do you want the Exchange to undertake to do that sort of thing?

CHAIRMAN MORSE: What was the purpose of the Exchange? Wasn't it for the mutual help of the libraries?

MISS COX: That is what I understood, and so far this year I have answered in the negative.

CHAIRMAN MORSE: Private dealing, in other words, is to be kept out. Does anyone have a suggestion along that line? What is the feeling?

MISS COX: I might say that most of the exchanges which have been undertaken this year have been in the line of periodicals and our file in physical bulk is largest in that class.

CHAIRMAN MORSE: I do not understand how you can do all of this as well as you are. It is a gigantic problem. Maybe your suggestion of arranging depots around the country will have to be followed.

MISS COX: I took that idea from Miss Lawrence. In assigning the books to the various libraries she sends part of the list of wants to another library who aids her in the work.

MR. DRUKER: Do you have your Exchanges dated when they are received?

MISS COX: Yes, the date is stamped when the lists or the slips are received.

MR. DRUKER: Would it be feasible to open up those duplicates to the book dealers after a certain period of time?

MISS COX: It would be feasible, but we encounter again the matter of someone to do the actual labor of sorting them out. I expect next year to have possibly three N.Y.A. students available to work on the Exchange. This year I had only one.

CHAIRMAN MORSE: May I ask if you are absorbing all of the expense out of N.Y.A. funds?

MISS COX: No. So far, Washington University has stood the expense of postage and stationery. However, we now have the problem of housing it, but with new equipment I am getting I think we can utilize some extra space available, at least for the next couple of years. The file itself now takes up about three cataloging drawers, and with the material yet to be transferred, it will probably fill a fourth drawer.

CHAIRMAN MORSE: Thank you again, Miss Cox. Will you be satisfied if we talk to you personally about some of the features of your plan? We have benefited greatly by your suggestions. You will hear more about it, I am sure.

Our final topic in the Institute is "Extraordinary Services," by Miss Helen Boyd, Law Librarian of the Social Security Board in Washington. Miss Boyd is one of our younger members, but she has already demonstrated that she is very helpful and I am sure she will give us an interesting paper.

[Miss Boyd read her paper.]

SOME EXTRAORDINARY SERVICES OF A LAW LIBRARY

HELEN BOYD

Law Librarian, Social Security Board

What are the extraordinary services of a law library? Before that question can be properly answered, the concept of the librarian's duty must be determined. Mr. MacLeish, the poet-Librarian of Congress, says that there are two concepts: the one held by those who conceive their job to be the keeper of the physical book; the other held by those who believe it is their responsibility to be the custodian of the intellectual image.¹ Mr. MacLeish expresses his idea of this duty when he further says that "Some years before his elevation to the bench Mr. Brandeis referred to himself as 'counsel for the situation'. The librarian in our time, or so it seems to me, becomes the counsel for the situation. His client is the inherited culture entrusted to his care. He—he more than any other man—must represent this client as its advocate. Against those who would destroy the tradition he must bring the force of tradition. Against those who would mutilate the monuments he must bring the beauty of the monuments. Against those who limit the freedom of the inquiring mind he must bring the marvels of the mind's discoveries."

If a librarian conceives his duty to be the keeper of the physical book, the line of demarcation at which ordinary library service ends and extraordinary begins is easily determined. However, if any service beyond collecting and circulating the library's materials is "extraordinary," then this paper is on extraordinary services.

There are numerous "special" services that are rendered by libraries in the acquisition of material and its processing. But those described in this paper are limited to those especially designed to "bring the readers to the books".² The list is far from complete. There are many services already in vogue, of course, which are not mentioned here. Many more are yet to be devised.

For the purposes of this paper the services discussed are divided into four groups: The first, some means of publicity; second, reference aids; the third deals with the extension of established services to those, not regular readers; and the last is a highly specialized legislative service.

Publicity

Knowledge is recorded in books for use. Libraries collect books to make knowledge accessible. The job of actually making knowledge accessible is the library's prime purpose as we all know. Book selection, cataloging, classification, circulation and like activities of the library are directed toward this end.

In spite of considerable effort on the part of the librarian, the patrons are not always very well informed on published material. Those librarians who wish the resources of the library to be used to their fullest extent, resort to publicity as a means of acquainting their readers with the materials.

¹ See Congressional Record, June 4, 1940, p. 11473.

² Archibald MacLeish has used this expression on several occasions.

Publicity that catches the eye is one method employed for new books. Outstanding accessions may be selected for display. These are arranged on readily accessible Exhibition Shelves. Their attractive Book Covers can adorn bulletin boards, reading tables and the top of the catalog. Many clients come regularly to the library to browse and many choose their reading from among these books.

Unless new books are paraded before a busy public, they may end up on the shelves collecting dust. One sound means of preventing this lack of use is the circulation of Annotated Accession Lists arranged by subject. A Library Bulletin, which introduces these books to the reader by mentioning them in interesting articles, is another means. These bulletins are still more stimulating if they also include notes about articles or books published by some of the library's users. Excerpts from book reviews or other annotations add to the value of such a bulletin.

A device which is helpful, not only to keep the library's patrons' interest in reading but also helpful to the librarian in book selection, is the circulation of annotated or even unannotated lists of newly published material. Returns from this list will help the librarian to gauge the prospective demand for books he contemplates purchasing.

Another problem of the librarian is acquainting the clientele with periodical literature. It seems much simpler to publicize this by distributing subject lists of the articles, comments and case notes, than to hope that the published indexes alone will be sufficient to bring this material before the readers. Moreover, the indexes necessarily follow the publication of the legal periodicals and these lists serve as a reference tool for both lawyer and librarian in the interim.

Of course, the Catalog is the best form of permanent publicity, but the aids mentioned above have a definite place in the library's service. Highly specialized libraries have found Auxiliary Catalogs of great help not only as reference but as publicity aids. The library that can prepare catalogs of its holdings for the use of other libraries is really giving an extraordinary service. What library does not use the Printed Catalogs of other libraries?

A Visible File, subject-listing the latest and authoritative textbooks, is a welcome addition to any library. It is not only good publicity but also a shortcut for readers in their selection of the latest materials.

Fortunate are the librarians who have Showcases in which to exhibit their treasures. Pamphlets of Explanatory Notes or Notes on Cards are displayed with the material. This combination will whet the appetite for knowledge. Again, there is nothing more alluring to the intellectually curious than a carefully gathered and equally-carefully-explained collection of materials on a particular subject, artfully displayed.

Reference Aids

Reference aids can be the means of familiarizing people with the library's resources. Sometimes these very aids provoke that interest which ultimately extends the intellectual horizon of the reader.

The librarian will do much to advance the cause of learning, both for himself and the readers, by composing, as well as collecting, Reading Lists and Bibliographies. Very often a profuse amount of material is published on a subject. The librarian who selects and lists that which is outstanding, will find his efforts appreciated and rewarded.

A reference tool designed to give instant information on the Latest State Codes, Supplements, and Session Laws is compiled by one federal government agency. Any reader who wants the latest printed statutory law available has merely to consult this list.

In order that their users will not be baffled at the quantities of unindexed material and to give the person using them a sense of security, some libraries make Indexes to material where none have been published. A good example is the Department of Justice's index to the Executive Orders. Another government library indexes the decisions of the Comptroller General affecting that agency. This index is superseded quarterly by the General Accounting Office Index, but it has a definite place in the scheme of the agency's work in the intervals between.

The Treasury Department's chief clerk prepares a Digest of Comptrollers General Decisions and Attorneys General Opinions that apply to that agency. Because the agency needs such a tool, the library of another government agency is contemplating a similar publication.

Briefing and Reporting, periodically, On Cases Pending in Courts, keep the reader aware of what is happening before the record of the event is printed in a volume. It forewarns the user regarding trends in judicial action and helps to keep the library abreast of the courts. A service of this type can take many forms, for instance, a subject list, a list for a particular court, or all courts, for some area.

A boon to the busy lawyer or professor is a regularly issued Survey of Current Periodical Articles. The library that prepares and circulates these surveys gives the reader a picture of what is being discussed. The contents may be arranged by subject, periodical, or author or in any manner, that will meet the need of the people to be served.

Among the valuable services that a library renders is that of supplying necessary material which is not in the library collection. The possibilities for borrowing material need not be confined to the collections of other libraries. Individuals and institutions are often willing to lend their books for others to use. Nor does this service need to be confined to published materials. The Studies which are being made from time to time by institutions, for their own particular use, are often available to interested people merely for the asking. Of course any librarian, if he is to give this type of service, must be acquainted with the work of these institutions. But if a librarian "gets around" he will have friends that will keep him posted.

If the readers of the library are not too numerous or, if the library staff is not too small, a highly individualized service can be maintained. A List of Subjects can be set up on cards. The names of those readers who wish to see all material received on those subjects can be added to the card. As material

is received this list is checked and anyone listed will receive the material automatically.

Permanent separate housing of special collections assembled by subject, author, collector or issuing office, should not be neglected. Those readers who constantly use a particular type of material, such as works on administrative law, jurisprudence, the state codes or Congressional Documents, will find that if these are separately housed and indexed, their work will be expedited.

An Extension of Services

Although most law libraries are organized to serve a specialized group, only a few, if any of them, restrict their services to this group. Many law libraries have opened their doors to all persons in need of legal literature, from fellow librarians to the "mere" layman.

All communities are not equipped with law libraries. In such localities, lawyers must depend on their own resources or the kindness of libraries elsewhere. Books, copies of acts, court decisions, administrative rulings, and like material, are sent to lawyers in outlying districts. Reference questions are answered by letter.

When the readers of a library are scattered, the library opens branches to meet the situation. They may be merely book distributing centers or small libraries in themselves. In the government service it is not uncommon for law libraries to maintain branches in cities where they have central offices. The Washington library often circulates material to these branches, makes bibliographies for them, buys their material and gives, as far as possible, all services rendered to the lawyers at home.

The blessings of lawyers and laymen alike are heaped upon the library offering a photostat or other copy service. Such a service makes available rare items or parts of much needed books that do not circulate.

Another unique service rendered by at least one librarian is the conducting of classes in the use of law materials for secular librarians, lawyers' secretaries, law clerks and file clerks. The course includes instruction in the use of the catalog, library aids, and search books. Among other things, the librarian discusses the use of citations and the art of identifying them.

The library can, and should be, a splendid Information Center. Many busy people resent being referred to a catalog or a source book when they want to know a simple fact. If a person wants the name of the chief justice of the supreme court of some state, he would probably be irritated if referred to a legislative blue book or Martindale-Hubbell.

Then there is the matter of directing a person to others as sources of information. A case comes to mind. A lawyer needed the school laws of a state. These were not available in his library, but the librarian knew a man who kept an up-to-date collection in his office. In fact the man was a wizard on school law. The librarian gave the lawyer the expert's telephone number. The lawyer made a call and got his information.

Law librarians who lecture on libraries and books, or write articles about

them and teach legal bibliography, are extending their library services by educating people along lines that might otherwise be closed to them.

A new service that is growing rapidly is law library service to laymen. Mr. McKavitt is treating this subject in his paper. It will not, therefore, be discussed here.

Legislative Reporting

No small part of the demands made on law libraries is for legislative materials. Requests for copies of bills, hearings, committee reports and complete legislative histories are received from time to time. In some libraries the demand for information on pending legislation must be met. Information of this type is not always readily available. Most users, who need this information, cannot wait while the librarian writes for it. Moreover, the scene shifts so fast that information by return mail might very probably be out of date when received. Again, there is the problem of knowing what legislation is being introduced.

The library can institute a Reporting Service covering all needs of this type. The Legislative Reporting Service, issued by the Commerce Clearing House, Inc., of Chicago, can be used as the source of data for a library bulletin. The librarian will select the bills to be included. His arrangement can be by state or subject or any other manner that satisfies the demand. The subject of the bill can be expressed in a line or two. Other essential information includes sponsor of the bill, its number, and date of introduction. Legislative action must be reported each time that the bill advances a step. And when it finally reaches the governor his action must also be noted. When the legislature adjourns, a Cumulative Bulletin showing final disposition of all bills reported in the bulletin winds up this part of the service.

This daily bulletin announces the convening, recessing and adjourning of legislatures, the time and place of hearing to be held on pending bills, and restrictions limiting the scope of the legislature's actions when called into special session.

Adjuncts to legislation are the legislative journals. A complete reporting service will use these to the utmost. In connection with federal legislation there is the *Congressional Record*. A Daily Index prepared by the library affixed to copies of this record will keep the readers apprised of the "feelings" of Congress when expressing itself in debate. Speed is essential in these operations as the scene may change and a lag of a day may make the information ancient history.

If legislative service is rendered by a separate section of a library, one of its responsibilities is the circulation and distribution of bills, acts, hearings, reports, in fact, for all legislative documents. The alert librarian administering such a service, will not wait for his clients to ask for copies of bills, but will anticipate their needs by knowing, in advance, the subjects in which each is interested. He will supply them with the material on their subjects as he receives it.

All kinds of information such as questions on legislative procedure, legisla-

tive personnel, constitutional or statutory provisions relating to effective dates of acts, should be a specialty of this service.

The making of Charts and Diagrams, showing trends is another part of this service. The progress of a single provision can be mapped out to show all its forms in all bills and acts, all actions taken on it, and indicate all references to it in hearings, debates and reports.

A related service is the preparing of Synopses of State or Federal Law on a Particular Subject—such as the public welfare laws of Massachusetts and their administration. This type of study is used as a quick reference aid in administration.

Conclusion

All the services described are designed to inform the people of the resources of the library. These are some of the tested methods used by librarians when they act as "counsel for the situation." As early as 1649, John Dury said a librarian "is . . . a factor and trader for helps to learning, and a treasurer to keep them, and a dispenser to applie them to use. . . ." ³ The techniques described are means of dispensing helps to learning and applying the books to use. [Applause.]

CHAIRMAN MORSE: Thank you very much, Miss Boyd. Your paper represents a lot of work and we are very grateful for the information.

Are there any suggestions or questions that you would like to contribute? If not, we will consider that the Institute for this meeting is concluded, and now President Beardsley will take over.

PRESIDENT BEARDSLEY: We have yet to hear this afternoon the Report of the Committee on Cooperation with the American Bar Association. That is the committee dealing with law reporting and duplication of law books, of which Gilson Glasier is the chairman. He has submitted the report and I have asked Mr. Riggs, who is also a member of the committee, to summarize it.

[Mr. Riggs gave a summary of Mr. Glasier's report, the full text of which is printed below.]

REPORT OF THE COMMITTEE ON COOPERATION WITH THE AMERICAN BAR ASSOCIATION—LAW REPORTING AND DUPLICATION OF LAW BOOKS

In the report submitted by this committee last year at San Francisco (Vol. 32 L. LIB. J. 328, Sept. 1939) we reviewed the work that had been done in this field and particularly that of the American Bar Association. The committee of the American Bar Association dealing with this subject, of which Professor James Brenner of Stanford University is chairman, had at that time sent questionnaires to "a representative sampling" of attorneys in five states,

³ From a letter of John Dury, deputy keeper in 1649 of the King's medals and library—*Congressional Record* June 4 p. 11474.

California, Illinois, Maryland, Ohio, and South Dakota, on the subject of duplication of law reports, but results of that survey were not then available. Since then Professor Brenner's committee has made a similar survey of eleven additional states: Alabama, Colorado, Florida, Indiana, Kentucky, Michigan, Nebraska, New York, Oregon, Texas and Washington. In this group, two additional surveys were made—one regarding digests, encyclopedias, etc., and the other regarding law textbooks. The results of these two surveys have been tabulated and are now available in the form of a report, a tentative draft of which was recently received from Professor Brenner, with permission to use any part of it which may be of value. We are grateful to Mr. Brenner and his committee for this privilege.

The surveys by the A.B.A. committee were carefully made, and the results no doubt reflect as accurately as can be expected the opinions of a representative cross section of the bar on the matters about which they were interrogated. Their value lies not so much in the correctness of the conclusions reached as in the fact that the bar is the largest and most influential group interested in law books from the consumers' standpoint and it will be necessary to have their cooperation in bringing about any possible solution of the difficulties with respect to duplication and over-production of law books.

Some of the more interesting results of the survey are as follows:

I. Duplication of Law Reports

Official Reports vs. The Reporter System

It appears that in most states a majority of attorneys subscribe for their own state official reports. Few subscribe for official reports of other states. In only three states, Florida, South Dakota, and Texas, do the lawyers seem to prefer the reporter system. This may be explained by local conditions. For instance, in both Florida and South Dakota the official syllabi and indexes to the official reports are copyrighted by the West Publishing Company and are of course duplicated in the reporter system. In these states, too, the attorneys may feel the need to roam a wider field in search of precedents. The reporter system gives them this wider field. This theory is borne out by the further fact that in New York, where the total accumulation of judicial decisions is voluminous, only 1.5 per cent of the attorneys subscribe for the official reporters of other states, and 8.4 per cent of the New York lawyers subscribe for units of the reporter system, covering others than their own state. This is the lowest percentage, except Michigan which dropped down to 8.0 per cent. Michigan and New York were also among those who stood highest in percentages of lawyers who subscribe for the official reporters of their own states.

It is interesting to note that in only five states, Ohio, Kentucky, New York, Texas, and South Dakota, do a majority of the attorneys believe there is unnecessary duplication. The highest percentage in this group is 82.7 per cent in Ohio. "In four additional states, over 42 per cent are of the opinion that there is

unnecessary duplication; while in two states, Maryland and Washington, less than 19 per cent take this view."

Shorter Written Opinions

In each of the states surveyed, a majority of the attorneys expressed a preference for shorter written opinions by the court, and for memorandum decisions in cases where the law is well settled. A majority also expressed a desire to have the court omit pure dicta from their opinions.

Omitting Cases Which Involve No New Point of Law

In seven of the sixteen states surveyed a small majority of the attorneys who answered the questions, believed it desirable to omit from the published cases those which involve no new point of law. The highest percentage expressing this view was New York, 66.5 per cent, but in none of these states was there a definite majority which believed it practical to omit such cases, because a very substantial percentage of attorneys in each of the sixteen states did not answer this question.

The Decisions of What Courts Should be Published?

In the states having no intermediate appellate courts, the preference was to limit the publication of decisions to those of the highest courts; while in states having intermediate appellate courts the preference was for including the opinions of those courts, also.

Limitation of Written Opinions

The majorities in all states were apparently opposed to restricting written opinions to cases which involve a new point of law, or a novel application, or which in the courts' opinions would add to the jurisprudence of the state. "Except in Texas the majorities are also opposed to the proposal that the court prepare written opinions in each case, but designate for inclusion in the published reports only those cases which would contribute to the jurisprudence of the state." But these majorities are not decisive because many attorneys did not answer this question.

The majorities in each state were opposed to legislative action which would provide a penalty against anyone who published an opinion designated "not to be reported."

Citations to Unreported Cases

On the question whether a rule of court should provide that citations to unreported cases should not be accepted, Professor Brenner's report concludes that the answers indicated that in most states the majority of attorneys prefer to have published only the reports of the highest and intermediate appellate courts, and to have a rule of court refusing to accept citations to all unreported cases.

Conclusions and Recommendations

The report on this phase of the subject concludes that the result of the survey makes clear the fact that the problems concerning the duplication of law reports differ in the different jurisdictions and cannot be solved by standard formulae which can be applied nationally; that each case presents different problems, which, in some states, may not be serious and in others they are already acute.

The committee recommends, in substance, that the facts established by these surveys be turned over to state committees and that, with these facts available, the problems of the duplication of law reports can best be solved through studies made by state committees.

The committee further recommended that each member of each appellate court be advised of the fact that the majority of the attorneys in all the states surveyed would prefer:

1. Shorter written opinions.
2. Memorandum opinions in cases where the law is already clear.
3. Omission of pure dicta.

The committee called attention to the result of the survey in California, where, through the activities of the State Bar Committee on Duplication of Law Reports, a saving to attorneys of over \$100,000 had been made possible in the publication of the California reports during a period of two existing contracts for their publication. Also that a further annual saving of approximately 16 per cent may result if the suggestions of the committee that the table of cases cited be eliminated and a condensed index used rather than a reprint of the headnotes as an index digest.

Attention was also called to savings to Illinois lawyers due to the activities of the State Bar Association in procuring the publication of an approved edition of the statutes.

II. Duplication of Digests, Encyclopedias, Etc.

The survey of eleven states, covering digests, encyclopedias and selected reports, disclosed the following:

Law books in attorneys' office libraries: Opinion seemed equally divided between Corpus Juris Secundum and American Jurisprudence. In most states, except for the American Digest System, a larger percentage of lawyers have the various search books in their own libraries rather than making use of them in an outside library. The American Digest System is used largely in outside libraries.

As a starting point to study a question of law, preference of a majority was about equally divided between a local state digest and Corpus Juris. The next most frequent choice lay between The American Law Reports and Ruling Case Law.

Timing of Publications: Of those who answered the questions regarding the timing of publication of two or more national encyclopedias, a decided majority in each state favored staggering the time of publication.

Duplication of Encyclopedias, etc.: A substantial majority of attorneys in the states surveyed believe there is unnecessary duplication of digests, encyclopedias and loose leaf services.

The report suggests that a merger in the publication of law books national in scope might be advantageous to both the profession and publishers. It is recalled that there was such a merger of competing series of selected cases, which resulted in a publication of greater value to attorneys; also that until such a merger can be brought about, better service could be rendered by staggering the time of publication of these books.

Recommendations: Concluding this part of the report the committee recommends that the American Bar Association go on record as being opposed to the unnecessary duplication of digests, encyclopedias and loose leaf services, and as being in favor of staggering the time of publication of sets of law books competing in the same fields of law.

III. Law Textbooks

The survey revealed that the average attorney purchases remarkably few textbooks. The number ranges from 2.98 books per attorney per year in Kentucky to 4.83 books per attorney in Florida, New York being second with 4.47; and only 60 per cent or 65 per cent of these books prove to be satisfactory to the purchasers. The attorneys who expressed any opinion on this subject were almost unanimous in their views that more law textbooks are offered by the publishers than can be used profitably by practicing attorneys.

In purchasing law books the majority of attorneys rely on personal examination of them before purchasing and secondly on advertising material received from publishers. The majority agreed that personal examination is the first satisfactory method of selection, with recommendations of law book salesmen next.

American Bar Association Approval of Law Textbooks

Answers to the questionnaires indicated that lawyers would welcome a service by the American Bar Association which would provide them with information regarding the merits of law textbooks at the time of publication. A substantial majority stated that they would be guided by such a service.

The committee therefore recommended that the American Bar Association make careful study to determine the practicability of providing a board with sub-committees to pass upon the merits of new law textbooks as published and recommend to the American Bar Association for its approval those which appear to be entitled to such recognition.

What Can the American Association of Law Libraries Do?

We should not overlook the fact that we are a cooperating committee. We have reviewed the findings of the American Bar Association committee at some length so as to give a general view of the groundwork which has been laid by that committee.

We believe the plan to set up a board in the American Bar Association to

pass upon the merits of law textbooks at or before the time of publication is one of vital interest to law libraries and should meet with our approval. It has been previously referred to, particularly in the excellent report of the Committee on Legal Publications and Law Reporting of the Association of American Law Schools submitted at the annual meeting of that Association in December, 1939. Our own President Beardsley was chairman of that committee and its personnel contained two other names prominent in our membership, Frederick C. Hicks and Eldon R. James. (See Vol. 9 AM. LAW SCHOOL REV. 365, April, 1940).

It was suggested in that report that it would be the duty of such a committee or editorial board, if one is set up, to pass upon the desirability and quality of manuscripts in their respective fields. Also that, "no author would be under any obligation to submit his manuscript to the American Bar Association Editorial Board; but, if he desired to have the approval of such a board and the prestige and recommendation such approval would accord, it is believed that many of the authors would take advantage of this offer and seek the Association's recommendation." The report suggested that this procedure is not unlike that in use by the American Library Association as to books approved and recommended by it and listed in the A.L.A. book list; and that considerable use of such approval could be made later in advertising publications.

We believe it is important to emphasize that proposed new textbooks should be submitted to this board in manuscript form so that they may be read and appraised and the appraisal made public at the time of or before actual publication. The reviews in our legal periodicals now are usually too late to be of practical use to the librarian in selecting books.

Recommendation

We recommend that this Association adopt a resolution expressing approval of the recommendation made by Professor Brenner's committee looking toward the setting up of such an editorial board in the American Bar Association, and urging the adoption of that plan, or one substantially similar thereto by the American Bar Association.

Unsatisfactory Format

Thomas Dabagh of the Los Angeles County Law Library wrote the members of our committee under date of April 4, 1940, expressing hope that the committee would "see fit to take some effective action regarding the matter" of unsatisfactory format of American law publications. He expressed the belief that American law book publishers are gradually slipping into "very bad habits" in the book production phases of their operations.

He complains of "Margins too narrow for satisfactory binding," of poor paper, excessive leading, poor sewing and weak spines, poor press work with uneven inking, unmatched lines and broken type; also "padding" not only by excessive leading, but also by printing unimportant material. He cited specific examples to illustrate these defects but suggested it might be unfair to give

publicity to the defects of these particular books, since others might be equally or more subject to criticism.

Following receipt of the letter above referred to, your chairman received letters from two other members of this committee tending to support in part or supplement the complaints registered by Mr. Dabagh.

Needless to say this is a subject of vital interest to law librarians. We have a very substantial consumers' interest in the qualities—especially the lasting qualities—of law books. It is in our libraries that law books are put to the severest test. It is a constant economic struggle with most of us to make our funds go far enough to meet our requirements. For these reasons, and in view of the nature of the complaints outlined above, the committee feels that these matters should be carefully investigated and studied.

Since the time has been too short for this committee to make any extended or satisfactory investigation or study of these problems this year, we recommend that the committee take them up for investigation, study and report during the coming year, giving the publishers a chance to be heard before any conclusions are reached.

Prices Paid by Libraries for Court Reports and Statutes

Mr. Johnston also complains of high prices publishers charge libraries for official court reports and statutes, and that some libraries are charged more than others for the same reports. He suggests that the prices of these books be ascertained by a committee and given to Miss Newman for printing in a list of current American state reports and session laws in the *LAW LIBRARY JOURNAL*. Mr. Johnston terms these prices as "shocking" and I quite agree with him. He calls attention to the "ridiculously low" price of the Illinois Statutes, \$4.00, which was secured by the cooperation of the Illinois State Bar Association.

In this connection I call your attention to the Wisconsin Statutes, which are revised after every biennial session of the legislature and are sold by the state, complete with annotations, at the very nominal sum of \$5.00. The Wisconsin system of statutory revision was established by the legislature in 1909 and the first biennial revision was issued in 1911. The statutes are revised and edited by the Revisor's office, which has an annual appropriation of approximately \$12,000. The entire cost of printing and distribution is slightly more than met by the sale of statutes. This system of statutory revision has proven very satisfactory and is being copied in some other states. It has been in use sufficiently long so that it can no longer be called an experiment. It has eliminated all competition of private publishers, and there is no duplication in the publication of statutes in Wisconsin.

Mr. Johnston also protests against textbooks without tables of cases and, if needed, a table of statutes. There is also cause for complaint, no doubt, against books without proper or adequate indexing. There may be some question whether the Association wishes this committee to include all of these matters within its functions. In any event they might be made topics for study and discussion at the next annual meeting.

Something over a month ago I attempted to resign as chairman of this committee because I had not the time, owing to pressure of other work, to give the work of the committee the consideration it deserved and because I found I could not be present at the meeting. President Beardsley was unable to get anyone else at that time to assume the chairmanship, so rather than to let interest in the work of the committee lag, I consented to draft a report. The foregoing is a result. I have not had opportunity to submit it to the other members of the committee, but most of them will no doubt be present at the meeting when the report is read and they will of course be free to criticize it and add to or subtract from it. I am hoping that it may at least form the basis for discussion that may prove to be of value.

This should be considered a report of progress only, and I hope the work may be continued under the chairmanship of someone who can give it more detailed and thorough study.

I sincerely regret that other engagements make it impossible for me to submit this report in person.

Respectfully submitted,

GILSON G. GLASIER, *Chairman*

WILLIAM S. JOHNSTON

LAURIE H. RIGGS

HOWARD L. STEBBINS

HOBART R. COFFEY

MR. VANCE: I move that the report be accepted, that the resolution requested by Professor Brenner's committee be adopted by the American Association of Law Libraries and that the committee be continued for another year.

[The motion was seconded by Mr. Riggs, voted upon and carried.]

PRESIDENT BEARDSLEY: In my report yesterday I called attention to the fact that I thought something ought to be done in connection with the indexing of legal material in non-legal periodicals. This afternoon I am informed that there is some plan under way to have this done through W. P. A. Mr. Coffey is here and I think he has some information on this subject. Would you like to come forward and tell us about it, Mr. Coffey?

MR. HOBART R. COFFEY (Law Librarian, University of Michigan, Ann Arbor, Michigan): Mr. Chairman, in the past year I have had a number of conversations with people who have been connected with the W. P. A. in the State of Michigan. I suggested that I thought this would make an excellent W. P. A. project; that is, to index these articles that are of interest to lawyers which do not get into our INDEX TO LEGAL PERIODICALS. No specific proposal has been placed before the W. P. A. and all I can say is that I think some of the W. P. A. people are interested and might possibly undertake this job. If they do, it seems to me that the results would be of great interest to us and it would be important for us to have a committee which would consider this matter and also be in a position to cooperate with the W. P. A. if the work

should be undertaken during the coming year. I know that the W. P. A. would be interested and probably would insist on some scheme being worked out for the publication of such an Index when completed.

We have with us today Mr. Jabine from Michigan who is connected with the W. P. A. there. He was formerly a member of the State Board of Libraries in Michigan. I think he would be able to answer questions if you have some, and perhaps he would be willing to give us some of his ideas as to how this project might be carried on.

PRESIDENT BEARDSLEY: I would be very happy to have you speak further on the subject, Mr. Jabine.

MR. WM. JABINE (856 East Grand Blvd., Detroit, Mich.): There isn't much more that I can say except that when Mr. Coffey asked me about this several months ago I took it up with some of the W. P. A. people locally and they felt that because it was a national matter it should be taken up with the Washington office.

I did not have an opportunity to do that until a few weeks ago when I was in Washington. I found that the heads of the Library Project there, and also the Executive Assistant to Mrs. Florence Kerr, who is the head of the Professional Service Division, are very much interested in doing this work if you people feel that it will be of value to you to have it done.

At the time Mr. Coffey spoke to me I wrote to Professor James, and through Professor Gifford of the Columbia Law School, whom I know, I received word that Mr. Price seemed to think it was a good idea. Since then I have talked with Mr. Thorne of Northwestern and Mr. Drummond of Chicago and they also approved the general idea.

I have done some figuring on costs, and so forth, which could be talked over with the committee if such a committee should be appointed by your Association.

I do not think there is anything else I need to say now because I think it is a matter that can be worked out through a committee rather than in a general meeting if the general idea is approved, although I will be very glad to answer any questions that any of you wish to put.

PRESIDENT BEARDSLEY: Is there anyone who has a question to ask on this proposition, or who would be willing to state an opinion about the desirability of it?

MR. JABINE: I wish you would call on Miss Hall because since I arrived here yesterday I learned that she has done some work in that field. Of course, we would want to utilize all the work that has been done. I understand you have done something, too, in that direction.

MISS HALL: What I have been doing is along very humble lines. About every two months I go to the general university library and go through all of the titles of periodicals on the open shelves. I go through item by item and for our faculty make out a little list arranged by popular subjects and we present them in our *Chronicles of Kent*. I find the lists quite useful myself in reference work.

PRESIDENT BEARDSLEY: Is there anyone else who would wish to say a word? Personally, I am very enthusiastic about a proposition of this type and I do hope that something can be done because I am sure we are wasting a valuable opportunity to bring materials to the attention of our patrons. We do not have immediate access to the indexes of that type of material. I know, for example, that in our library we do not have the *Reader's Guide*. We have to go across the street to get it. That is the reason we are attempting to do something locally for our own use so as to be able to supply lawyers with bibliographies when they call upon us.

Would you care to take any action upon this suggestion?

MR. COFFEY: Mr. President, I should like to move that a committee of three or five be appointed to study this matter and to cooperate with the W. P. A. if such a project is undertaken.

[The motion was seconded by Miss Hall, voted upon and carried.]

PRESIDENT BEARDSLEY: I think that is a very important step. I look forward with interest to seeing what comes from it.

We have now the Report of the Nominating Committee.

REPORT OF THE NOMINATING COMMITTEE

The Nominating Committee submits the following names for the respective offices of the Association for 1940-41:

For President—Mr. Lewis W. Morse, Law Librarian, Cornell University.

For President-Elect—Mr. Sidney B. Hill, Assistant Librarian, Association of the Bar of the City of New York.

For Executive Secretary and Treasurer—Miss Helen Newman, Law Librarian, The George Washington University.

For Executive Committee:

Dr. Arthur S. Beardsley, Law Librarian, University of Washington.

Mr. George A. Johnston, Librarian, Law Society of Upper Canada.

Miss Alice Magee, Librarian, Louisiana State Library.

Miss Helen G. Ross, Librarian, Duluth Bar Library Association.

Respectfully submitted,

WILLIAM R. ROALFE, *Chairman*

JEAN ASHMAN

JAMES C. BAXTER

MARGARET HALL

ELDON R. JAMES

PRESIDENT BEARDSLEY: You have heard the nominations. As I understand the rules of our procedure, the report will lay on the table until Saturday afternoon at which time further nominations may be made from the floor and the election of officers will take place.

Is there any other matter to come before the Association at this time? If not, we stand adjourned.

[Adjournment at five-ten o'clock.]

FRIDAY MORNING SESSION**June 28, 1940**

The meeting was called to order at ten-fifteen o'clock by President Beardsley.

PRESIDENT BEARDSLEY: We have two papers and several reports scheduled on this morning's program. Mrs. Long has a paper which she is going to read to us on "Special Classes of Social Science Material in the Law Library." You will recall that Mrs. Long has done a good deal of research in this field and has become an expert on this question of social science materials. So we are very happy to have her speaking to us again on this subject.

[Mrs. Long prefaced the reading of her paper with the following remarks:

At the very outset I wish to remark that President Beardsley is partially responsible for this paper. The idea was his and he suggested the title. I mention it not so that Dr. Beardsley will get any credit but so that he can share my burden of an address which, although conceived in good faith because of the questions of some of the members as to just what social science books should be in a law library, should have been, in my opinion, still-born. In the first place the subject matter is too broad to be dealt with adequately in a few months' leisure time but by the time I had discovered how deeply I was becoming involved it was too late to start all over again. In the second place some subjects do not lend themselves easily to an address treatment and I found soon after starting to write that a list of social science books is one of them.]

**SPECIAL CLASSES OF SOCIAL SCIENCE MATERIAL IN
THE LAW LIBRARY****BERNITA J. LONG***Law Librarian, University of Illinois*

Those present at last year's meeting may recall that one afternoon was devoted to a discussion of social science material in a law library, the subject being treated generally. It was noted that twentieth century changes in the thought and theory of legal philosophy were having a direct influence upon legal education, that many teachers were publishing their own case books or using mimeographed materials in their courses in order to give a broader and more flexible background suitable to present social needs, and that new courses were being added to the law curriculum in an endeavor to provide the student with a consciousness of the place of law in modern society.

By reason of the discussion at that symposium it was thought expedient to have a more detailed study of the following propositions: (1) the extent to which law schools are teaching courses which require a knowledge of the social sciences, and (2) the extra-legal material which should be accessible for the study and teaching of those courses. As it was apparent that a complete and satisfactory analysis of those problems which would be applicable to all

courses was beyond the scope of one paper, five subjects were chosen, namely, Legislation, Labor Law, Accountancy, Trade Regulations and Public Utilities.

To ascertain the extent to which these courses are being taught, a survey was made of the undergraduate curricula of eighty-six members of the Association of American Law Schools, data regarding the remaining six small schools being unavailable. The majority of the catalogs examined were for 1939-40 or later, although in a few cases it was necessary to use 1938-39 editions. The survey showed that thirteen of the member schools include Accountancy in their curricula, twenty-nine teach a course in Legislation, thirty-six offer Trade Regulations, fifty-one list Public Utilities, and thirty-four give Labor Law. Further tabulation shows that thirty-nine teach two or more of the courses; twenty-five, three or more; fourteen, four or more; and three offer all five of the subjects. If graduate courses had been considered, the number would have been raised to five. Fifteen bulletins list none of the five courses.

Digressing from the selected subjects, it is not surprising to find that of the newer courses offered Administrative Law and Taxation are favorites, each appearing in fifty-eight catalogs. Ethics, jurisprudence, and legal bibliography also rank high in popularity. A number of schools are teaching courses in Legal History, the Introduction to Law, and a study of the Legal Profession.

As a basis for making the selection of social science books which could be used profitably in the study of the five courses, a number of law professors, attorneys, accountants, economists, political scientists and sociologists were interviewed and their recommendations supplemented by a study of subject bibliographies and an examination of numerous books and book reviews. It was the consensus of opinion of those interviewed that extra-legal material was essential for the proper instruction and understanding of the courses involved. But, although there was a substantial agreement as to the type of material which would best accomplish the desired results, divergent views were expressed as to individual works.

For convenience in summarizing the results of the interviews and studies, together with a resume of a few of the books receiving very favorable comment, each of the selected courses will be treated separately under its subject. A discussion of the numerous books available in the various fields would serve no useful purpose and would extend beyond the bounds of my allotted time and of this paper. Therefore, the materials mentioned under each course have been supplemented in a list at the end of the paper.

Legislation

Until the last few years legislation has been given very little attention by students of legal theory, the emphasis for the most part being directed toward judicial decision and precedent. With the rise of dynamic social and industrial problems, statute law is multiplying rapidly, presenting many grave problems of which the legal profession is becoming aware. "Knowledge of the legislature and its handiwork may no longer be limited on the one hand by quips con-

cerning the intelligence and honesty of the lawmakers, and on the other by the maxim that statutes in derogation of the common law are to be strictly construed."¹ Not only must an attorney have skill in reading a statute but he must also investigate the records of legislative bodies with a knowledge of legislative procedure.

That the modern law school is beginning to recognize the need for more training in this respect is shown by the number of schools now offering courses in the subject. As is to be expected these courses vary widely in content. The following phases are listed as being taught: objectives and techniques of legislation, legislative research, procedure, drafting, interpretation and construction, the relation of legislation to the judicial process, legislative sanctions, investigation of substance and administration of current legislation, legislative process, organization and procedure, and economic criteria in legislation. Considering the diversity of approach to the subject, it is not surprising that most teachers use "selected materials." Before any part of the subject can be dealt with adequately, however, there must be some knowledge of legislative procedure. Several authors to be remembered as proficient writers on this particular phase are Luce, Walker, Willoughby and Chamberlain.

Mr. Luce writes from experience, having spent a number of years in the Massachusetts Assembly and in the United States House of Representatives. He has contributed a number of books. All are well written and broad in scope. They are readable books and filled with personal illustrations and conclusions which perhaps contribute more than any other factor to the value of his work. His book entitled, *Congress—An Explanation*, contains an excellent description of the route of a statute through Congress and is said to be a book which should be read by everyone who would be informed in regard to the legislative department of his government. In another of his series, *Legislative Assemblies*, he treats the structure and operation of state legislatures. Here again his personal style is notable and the book has gained for itself the comment of being invaluable to legislators.² An earlier book, *Legislative Procedure*, also deals with state assemblies, being a comparison of parliamentary practices classified by topics, while a more recent contribution, *Legislative Principles*, tends toward the critical, being an estimate of legislative processes together with suggestions for reform. Because of its historical treatment it is criticised by some for devoting too little space to present issues which makes it less practical than other books by the same author.

Mr. Walker and Mr. Willoughby have contributed two books on much the same subject matter but written from different points of view. Walker's *Law Making in the United States*, is a short, easily read book valuable for its accuracy and the perspective which it gives in a limited space. It is complemented by Willoughby's *Principles of Legislative Organization*, a longer and more analytical treatment of the subject. In it the author seeks "to determine

¹ Gellhorn, *Principles of Legislation* (1935) 21 IOWA L. REV. 170.

² Review (1924) 34 YALE L. J. 218.

the nature of the problems which are presented to a people creating and operating a machinery for the conduct of its political affairs."³ Both books contain extensive bibliographies.

An example of a compilation of materials used for the instruction of a class in legislation is *Legislative Processes*, by Professor Chamberlain of Columbia University. It was intended to give "a working notion of the way laws are placed in the statute books—rather than a mere description of the functioning parts of the legislature."⁴ It includes information on some of the more obscure steps in legislation from both a theoretical and practical viewpoint. It also furnishes an adequate bibliography.

With the growth of administrative agencies and statutes creating and empowering them, no list would be complete without mention of Freund's *Legislative Regulations* in which he deals with types of laws adapted to particular purposes, and enforcement devices which can be included in statutes as a means of conferring more or less administrative discretion. It is not a readable book, but it is all but indispensable in drafting legislation to govern administrative agencies.⁵

Labor Law

The field of literature in regard to labor is wide and varied and in none of the other subjects was there found less objectivity in treatment and evaluation. To one, a book may seem invaluable—to another, dangerous to place on the shelves. Many books are written for a cause and are highly colored with the authors' enthusiasm; others, though built on honest research, are permeated unconsciously by the writers' sympathies. Of the thirty-four schools teaching Labor Law, a majority list specific case books for use by the class indicating a more uniform method of presentation than was shown in the courses on Legislation. Teachers seem to agree that one of the prerequisites for an intelligent understanding of the subject is a knowledge of general economics. Therefore, a few texts on the elements of economics have been included in the list.

Among the recommended books devoted more specifically to labor is a series of three volumes called *Economics of Labor* by Millis and Montgomery. Professor Millis is Chairman of the Department of Economics at the University of Chicago and Professor Montgomery is in the same department at Cornell University. These volumes comprise the first of a new series of business and economic publications sponsored by the University of Chicago and the publishers. Volume one, entitled *Labor's Progress and Problems*, was written for the most part by Professor Montgomery. It deals with the theory of wages and is a comprehensive survey of much of the current thought pertaining to it. Volume two, entitled *Labor's Risks and Social Insurance*, by Professor Millis, is primarily a discussion of unemployment and loss of wages through sickness as being the

³ WILLOUGHBY, *PRINCIPLES OF LEGISLATIVE ORGANIZATION* (1934) 1.

⁴ CHAMBERLAIN, *LEGISLATIVE PROCESSES* (1936).

⁵ REVIEW (1935) 20 ST. LOUIS L. REV. 192.

most outstanding of the risks which threaten labor. It is concise and it is rich in material useful to lawyers, economists and public officials as a background for solving the problems of social security organization and administration. Volume three is not yet published. It will be called *Organized Labor* and will be an inquiry concerning the economics of unionism. In the estimation of one economist interviewed it will be one of the most acceptable current publications on the subject.

Dale Yoder's *Labor Economics and Labor Problems* was included in the works said to be "very good." The second edition of the book, first published in 1933, gives emphasis to general labor economics rather than to the current situation. In that respect it differs from Lois MacDonald's *Labor Problems and the American Scene* which gives a factual picture of the American worker, his role in our economic system and his reactions toward conditions surrounding him. Miss MacDonald has written from the laborer's standpoint and in sympathy with the organization movement. She has used colorful material and produced a book which, though intended for the student of economic problems, is of interest to the general reader also. It includes a twelve page bibliography.

In passing, Robert Keir's *Labor Problems from Both Sides* should be noted because it differs in its treatment from the usual book on labor. It is a series of debates written in the way "labor problems usually are handled in speeches and editorials"⁶ including bias, half-truths and emotional interest. Although rather elementary it is readable and thought provoking.

Accountancy

That the study of accountancy as a part of the law school curriculum is in its infancy is shown by the fact that only thirteen of the schools surveyed listed it among the courses offered. Recent investigations among the members of the bar have shown a need and desire of a substantial percentage of the legal profession for an understanding of general accountancy principles⁷ and as the function of the lawyer tends toward that of business adviser, no doubt the need will increase. "The principal value of an understanding by the lawyer of accountancy principles does not consist in an ability to keep books—but rather in the added facility which it gives him in handling his own peculiar tasks."⁸ Recent opinions tend to show that courts are willing to follow the counsel whose analysis is based on fundamental accounting technique.⁹ Accountancy as a science has shown development within recent years. An accountant must know bookkeeping, auditing, taxation and law. He is concerned not only with the recording of transactions but also with analysis and interpretation. A knowledge of accountancy by the lawyer will facilitate the handling of involved cases and trials even though the case may afford him the assistance of a competent accountant.

⁶ KEIR, *LABOR PROBLEMS FROM BOTH SIDES* (1938) VI.

⁷ Graham (1931) *AM. L. SCHOOL REV.* 215-27.

Questionnaire sent to the University of Illinois Law Alumni (1939).

⁸ GRAHAM AND KATZ, *ACCOUNTANCY IN LAW PRACTICE* (2d ed. 1938) 2.

⁹ *Id.* at 4.

Accountancy literature which will give him the general principles together with their correlation to legal problems is not plentiful. Most of the law schools teaching the subject use Graham and Katz, *Accountancy in Law Practice* as a text. Professor Graham, a certified public accountant, is Professor of Accountancy at the University of Chicago and the co-author is the Dean of the College of Law at that University. Its purpose is "not to afford a thorough training in accounting but to make possible an understanding of it adequate to the ordinary needs of the lawyers."¹⁰ According to the authors such an understanding may be acquired with a "comparatively small amount of study and without a consideration of any but the most simple bookkeeping techniques."¹¹ Some space is devoted to the recording of transactions, however, as a lawyer often has occasion in small cases to keep a simple set of books. A section of questions for class discussion is included in the second edition and supplementary material is available through the publishers.¹²

Another book in this field of interest to the legal profession is Rorem's *Accountancy Method*. The author's treatment of the "role of accountancy in modern economic life" should give to the lawyer a concept of the philosophy underlying the subject. There is a brief but clear discussion of profits which subject has bothered judges and attorneys for a long time. Although intended as a first year textbook, its greatest value according to one accountant is to the "business and professional men who would like to have a condensed treatment of a variety of subjects in the accounting field."¹³

A more detailed treatment of profits may be found in *Profits, Dividends and the Law* by Prosper Reiter. The author, who is trained in both law and accountancy, states his hope to be that the book "will stimulate further thought in the field of legal accountancy, enable lawyers to appreciate the accounting principles involved in arriving at the profit available for dividends and serve as a ready reference to lawyers, business men and accountants where legal authority is needed."¹⁴ It is a small book but a good one.

For a more general treatise on accountancy, Finney's *Introduction to the Principles of Accountancy* was spoken of highly. It is a two volume work, by no means elementary, said to be particularly good for problems involving corporation and partnership transactions. It is a useful reference book for libraries even though accountancy is not part of the school curriculum.

Trade Regulations

Although Trade Regulations has been spoken of as a "newcomer in the curriculum of American law schools,"¹⁵ over one-third of the schools surveyed

¹⁰ *Id.* at 2.

¹¹ *Ibid.*

¹² *Id.* at 5.

¹³ Review, (1929) 24 ILL. L. REV. 379.

¹⁴ REITER, PROFITS, DIVIDENDS AND THE LAW (1926) V.

¹⁵ HANDLER, CASES ON TRADE REGULATION (1937) 1.

are teaching it. It is not only one of the most rapidly changing fields in our legal structure but, also, one which includes a diversity of subject matter. Government control of industry and trade is not new but economic repercussions have made the problems more acute. It takes only a glance through statutes, regulations, and ordinances to see that the current trend is toward a more determined control of business. Since it is necessary to have an understanding of past theories and practices in order to understand the new laws, a student of Trade Regulations should have some knowledge of the history of the modern system, its nature and objectives.

In a field as broad as this, it is not unusual for the literature to be voluminous and varied. In order to get an emotional interest and to picture trade and industry as an integral part of the whole social scene, it has been suggested that some novels such as Cronin's *The Stars Look Down*, Fallada's *Little Man What Now* and Sinclair's *Jungle* are of more value than economic and sociological treatises although such books as Lynd's *Middletown*, *America's Sixty Families* and *Robber Barons* also help set the stage. Periodical literature teems with material. Besides those of a legal nature, general magazines such as *Fortune*, *The World Today*, *Outlook* and *Independent* often contribute worthwhile articles. The *Encyclopedia of Social Sciences* is especially good on the various phases of the subject. Professor Handler in the preface to his case book on Trade Regulations remarks on the absence of any authoritative treatise on the subject¹⁶ and it would seem necessary to obtain information from various sources for a complete and satisfactory background.

Heading the list of required reading, according to the same authority, is Ware and Means' *Modern Economy in Action*, an analysis of the old and new economies.¹⁷ It is a stimulating book containing novel suggestions for the cure of some of our economic ills and is worthy of serious study.

Another book said to be "indispensable" is *Social Control of Business* by John Clark.¹⁸ The first edition, published in 1926, was a study of business as a social institution, and the second edition has added a part entitled *The New Era: Depression and Comprehensive Control*. It discusses government regulation as it affects economic activity.

Berle and Means' *The Modern Corporation and Private Property* is a book which is in great demand. It comprises a statistical study of two hundred of the largest corporations in the United States. Its thesis is the separation of control from ownership. Based upon research financed by the Social Research Council of America, it is rich in source material. Jerome Frank remarks that it may rank with Adam Smith's *Wealth of Nations* as the first detailed description in clear terms of a new economic epoch.¹⁹

Burns' *Decline of Competition* has been found helpful, also, as an accessible

¹⁶ *Id.* at VIII.

¹⁷ *Id.* at 14.

¹⁸ *Id.* at 18.

¹⁹ Review, (1933) 42 YALE L. J. 989.

source of materials that are otherwise scattered. It is a study of the monopolistic and competitive elements of our economic system. The author describes his book as a "bridge across the wide gulf between abstractions and realities" differing therefore from much literature concerning pools and trusts which has been "too much concerned with judicial efforts to apply the anti-trust laws and too little with the underlying facts making for change." It is a timely book and well documented but one which requires careful reading because of its many factual situations.

Public Utilities

Of the five subjects chosen for this paper the course on Public Utilities is the most popular one, being offered in fifty-one schools. The businesses which comprise the field of Public Utilities by reason of their public nature are subject to a great amount of regulation by Congress, state legislatures, and federal and state boards or commissions. Some of the reports of these commissions and kindred administrative agencies as well as reports of Congressional Committees are of exceptional value in the study of the subject and periodicals provide a fruitful source of information. Like Trade Regulations, it has been a favorite subject with writers and the literature concerning its various phases are profuse. Some of the books referred to in preceding topics are helpful in Public Utilities also. For instance, Clark's *Social Control of Business* has a good discussion of efficiency in Public Utilities, and Reiter's *Profits, Dividends and the Law* is useful on the topic of value. These two books were specifically mentioned in the sections on Trade Regulations and Accountancy respectively.

Another overlapping authority is Bonbright and Means' *The Holding Company*. Although it is primarily a reference for Public Utilities, it is also helpful for the study of Trade Regulations. It is a summary of information concerning the holding company and its specialized uses. It is clearly written and allows a perspective between "economic problems and legal formula."

One of the outstanding controversies in the subject today concerns the question of value in rate making. For a short, concise summary of this problem, a student will find Gray and Levin's *Valuation and Regulation of Public Utilities* useful. Both authors are experienced valuation experts and in this book they have clearly defined the fundamental problems and have shown the part which the courts have played in regulating utilities through the determination of a "fair return."

Bauer and Gold's *Public Utility Valuation* is recommended for a more detailed analysis. It is the second general study on valuation published under the auspices of the Columbia University Council for Research in the Social Sciences. At the time of publication, Mr. Bauer was Director of the American Public Utility Bureau and Mr. Gold lectured in Public Utilities at the College of the City of New York. The book can be used by the layman as well as lawyers, commissioners and accountants. It is said to be the first comprehensive non-technical volume on the subject which gives adequate consideration to the

standpoints of law, economics, administration and public policy with a careful distinction drawn between value in the ordinary economic sense and fair value for the purpose of rate making.²⁰

"Probably the most significant work in the field in our generation"²¹ is the comment occasioned by a more general book on valuation, Bonbright's *Valuation of Property*. It is a rationalization of techniques used in appraisal by courts, lawyers and accountants. Mr. Berle, referring to it, says, "Occasionally a book emerges which can be marked as a classic at first sight. Professor Bonbright's two-volume one is in this category . . . a mine of material and a great guide."²²

In addition to textbooks there are a number of government publications in the five fields which should not be overlooked by those interested in a functional approach to the study of law. Certainly the reports of administrative agencies and of congressional and legislative committees would in themselves provide adequate material for another paper. For that reason I have added only a few of the more outstanding ones to the bibliography. Graskie's *Federal Reference Manual* and Schmeckebier's *Government Publications and Their Use* are very good aids in the selection of this type of material.

The books discussed under each subject and those enumerated in the following lists do not comprise an exhaustive bibliography; nor is it to be expected that the favorites of many teachers and students of the subjects have been included, for allowances must always be made for individual preferences. The chief merit of the selection lies in the fact that the books have been used and found to be good by a number of authorities in the respective fields.

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PRESIDENT BEARDSLEY: We are deeply indebted to Mrs. Long for this very excellent presentation of this subject matter. To those of us who are law school librarians, I think such a paper as this will help us to keep on our toes as to the new materials which are coming out in the fields of the law which are constantly in process of development and for which our faculty members are looking to us

for the very latest materials. Again I think I should say we are indebted to Mrs. Long for this very excellent paper.

The next paper we have this morning will be read by Mr. McKavitt, on the subject "The Layman and the Law Library."

THE LAYMAN AND THE LAW LIBRARY*

MATTHEW A. MCKAVITT

Librarian, Department of Justice

The legal profession for centuries has had a far greater influence over the lives and minds of people than is generally known. The destinies of nations and the happiness and peace of the world, in a great measure, have depended upon the learned gentlemen of the law.

"... In the United States there are about 160,000 lawyers. There is no profession or class so habitually trusted with so large a measure of public confidence as lawyers. They handle a large amount of business and have a direct influence on the thoughts of about one hundred thirty million people.

"That the laymen of America have recorded confidence in lawyers is shown by the fact that out of 30 of our elected presidents, 24 have been lawyers. Of the 56 signers of the Declaration of Independence, 25 were lawyers. Of the 55 framers of our Constitution, 33 were lawyers. Of the 48 Secretaries of State, 46 have been lawyers. And of course, since the institution of our Republic most of the members of the state and federal courts—the judicial branch of our government—have been members of our profession. Most of the Governors of every state have been lawyers. A large per cent of the membership of every state legislature and of every National Congress that has convened were lawyers. Therefore, we can truly say that the lawyers of America have a noble heritage of which they may be justly proud. During the 25 years preceding the formation of this union and the 25 years following it the influence of the legal profession tremendously overshadowed that of all other professions combined. Virtually every great document of state has either been prepared or seasoned by lawyers."¹

Yes, the law has had a great influence in our public life—it could be said to exert great power over the individual, also.

"The power of the law over the individual was never more wittily stated than in a saying of the Rev. Dr. Jowett, the great Greek scholar and Master of Balliol College, Oxford. At his dinner table a group of bishops and of Queen's counsel once fell into a discussion as to which exercises the greatest authority, a bishop or a judge. The lawyers urged the claims of the judge, because he can say 'You be hanged.' 'No,' argued the clergymen, 'a bishop is greater because he can say 'You be damned!' 'Yes,' commented Dr. Jowett, 'but when a judge says you are hanged you *are* hanged.'"²

* The author of this paper is most grateful for the assistance given him by the following: Mr. George P. Comer, Chief Economist, Department of Justice; Mr. Jay Blum, economist, Securities and Exchange Commission; Mr. Ralph Wilson, Sociologist, Social Security Board; Miss Mildred Dager, Assistant Librarian, Department of Justice; Mr. Lawrence Bailey, night Librarian, Department of Justice; Miss Beatrice Lawlor, Chief Clerical Assistant, Department of Justice Library; Miss Helen Boyd, Law Librarian, Social Security Board, and the other prominent university, state and county law and other librarians who so kindly answered a questionnaire.

¹ Orel Busby in *VITAL SPEECHES OF THE DAY*; 6:241 (1940).

² L. F. Abbott in *THE OUTLOOK*; 145:332 (1927).

Each citizen is affected by the laws. He is becoming more interested in them. He is more alert to the great work of these men who have had so much national influence, and the non-legal scholar is beginning to realize that there is a great wealth of information in the statutes and court decisions. The fact of the matter is that the so-called great democracy of learning is becoming more and more an actuality. The lawyer, the economist and the sociologist definitely realize that they have a mutuality of interests. The results of this study emphatically reveal that the economist and the sociologist must use the law books to learn the theory of Anglo-American law and the history of institutions. They must study the statutes and decisions to obtain a true picture of economic history, and they must study legal literature to determine the economic and social theories of the past in order to properly present the results of research in modern economic conditions which must influence legislatures and courts, so that the legal theory of the past can be tempered to conform with the new economic order.

The lawyer, the economist, and the sociologist must work together to gain control of a terrible social upheaval that borders on earthquake proportions. Already the courts have become "streamlined" as a result of the orientation which it has assumed from the influence of economic and social studies presented to them in the form of economic briefs popularized by the former Justice Brandeis. One economic brief became famous because the court refused to consider it. This was that of Justice Frankfurter which he was commissioned to prepare, at no small fee, in the familiar case of *Adkins v. Children's Hospital*.³

Since that day such assistance is welcomed rather than spurned. Today many constitutional questions with economic aspects are now decided by the use of materials prepared by non-legal experts who must coalesce economics with the law.

An economic brief was submitted in the *Chamberlin, Inc. v. Andrews*⁴ case. A 4-4 decision resulted. However, a second case, *Carmichael v. Southern Coal and Coke*,⁵ definitely settled the law on State unemployment compensation laws. The *Steward Machine Co. v. Davis*⁶ case upheld the Federal unemployment compensation law. Here an economic brief was submitted. The old age insurance law was upheld in the *Helvering v. Davis*⁷ case. An economic brief supplemented the legal argument.

In two of these cases I definitely know that the economic briefs were prepared by strictly non-legal research experts. These briefs are recognized as aids to the Court and, without the facts revealed by economic and sociological research, it could not render a decision that was founded on a complete knowledge of all the factors concerned. In the opinions of cases where economic briefs

³ 261 U. S. 525 (1922).

⁴ 299 U. S. 515 (1936).

⁵ 301 U. S. 495 (1936).

⁶ 301 U. S. 548 (1936).

⁷ 301 U. S. 619 (1936).

were used, one finds the Court basing its decision on authorities other than law.

No longer is the law an insulated instrument. The courts and legislatures, armed with facts presented by the non-legal research expert, are tearing the insulation away and grafting new concepts resulting from studies of recognized authorities outside the field of law.

The law library is used more each day by the layman, and by "layman" I mean the person who has not studied law or who has not been trained in the use of legal materials. By the same token the lawyer is using more non-legal material in his work.

Law schools, particularly those of the University of Chicago and Harvard University, are beginning to demand that their students possess a good foundation in economics and sociology before they are graduated.

Law libraries are buying more non-legal materials.

The layman has always had, it would seem, a great fear of law books. This antipathy extends to the general librarian. Before the layman can successfully use the law books he must be instructed as to the weight of authority contained in the legal literature, and he must be instructed in the use of the legal tools. However, the law librarian has evidently been doing a fine job of teaching because certain results demonstrate this fact. Just as few non-legal source books direct the student to the legal literature as a source, or as an extension of his studies in economics, sociology, history, government and so forth; so also there is a lack of a source book to the legal literature, other than the bibliographical legal manual principally designed for the lawyer or law librarian, which will introduce the layman to the legal tools without forcing him to more than a little concentration. The nearest thing to such a manual for laymen which we have seen is the "Outline of Reference Course in Law for the Lay Librarian" by Adelaide Hasse in mimeographed form.⁸ There are two other "Introductions" to the law which are used by first-year law students.⁹ In our opinion, none of these works adequately present the resources of the law library in such a manner as to enveigle the layman to use them as keys to unlock one of the greatest deposits of knowledge. We intend, in the future, to present the layman with a key to the House of Mystery in which he will find much that is interesting, revealing and helpful.

For instance, the "Survey of Activities of American Agencies in Relation to Materials for Research in the Social Sciences and the Humanities," published in 1932, compiled for the Joint Committee on Materials for Research of the American Council of Learned Societies and the Social Science Research Council, fails to even mention the word law in its index. It is a compilation arranged geographically as a guide to the materials mentioned in its title.

On the other hand, there is no manual showing the layman how to use the law books. In spite of these facts, law libraries are being used by a great number of laymen for a variety of purposes.

⁸ No date or place of publication.

⁹ WOODRUFF, INTRODUCTION TO THE STUDY OF LAW (1898). MORGAN, INTRODUCTION TO THE STUDY OF LAW (1926).

A questionnaire was sent to 13 university law libraries, three state law libraries, one county law library, and, of course, to the Law Division of the Library of Congress. Two state law libraries and another large law library, located in the east, failed to answer the questionnaire. These law librarians must be the great modern public law librarians whose clientele is composed, for the most part, of laymen. Naturally these law librarians would find such questions superfluous. These law librarians were requested to furnish answers to the following questions: What types of laymen use your law library? What types of legal or kindred materials do they consult and for what purposes? The following list will show the different classes of laymen who used these law libraries: Business administration students, business men, civil service applicants, clubwomen, congressional committees, debaters, economic research workers, educational law students, embassies, engineering students, English history students, genealogists, German refugee professors, government employees, graduate students, historians, inventors, journalism students, laymen connected with correctional institutions, legal writers, "Litigating paranoiacs," medical professors, members of Congress and their secretarial staffs, political research workers, political science students, professors, school teachers, sociological research workers, State department research workers, statisticians; student members of liberal groups, such as, Young Communist League, Socialist organizations, etc.; undergraduate students, women's college students, W.P.A. workers and writers for newspapers, magazines, etc.

All types of legal literature appear to have been used, from statutes, decisions, and textbooks to loose leaf services, crime surveys and The Hague court reports.

The result of the questionnaire revealed that the law libraries were used for the following purposes: Civil service examinations, classroom discussion, classroom lectures, classroom papers, committee reports of clubwomen, economics, graduate work, history, initiating petitions, legislation, marriage and divorce, personal problems, research work, repeal of statutes, special investigations, sociology, speeches, statistics, teaching, theses (in case of graduate students) and writing.

An examination of the bulletin of the graduate school of a prominent university shows that of the various research projects under way in political science and public administration in 1939-1940, one was entitled "The effect of supreme court decisions on state legislation."¹⁰ The bulletin also listed courses on labor law and legislation, current issues in wage and hour problems, research in administrative law, income tax procedures, business law, international law, conflict of laws, admiralty law legislation, the Government of England, the current decisions of the Supreme Court, law: its origin, evolution and philosophy. This non-legal school has but an extremely small law collection.

The layman will become more and more a familiar figure in the law library

¹⁰ *The American University Bulletin*, v. 15, March, 1940.

of the future. The study of the legal literature in conjunction with the study of other fields of knowledge will become more prevalent.

There are now few public law libraries or law libraries that approach this classification, but the future will probably provide a great many more. In spite of the fact that the great field of legal literature remains undiscovered for the most part, many important contributions have resulted from the use of the law library by, or for, non-legal scholars.

One new federal law library had 1,341 requests by non-legal research workers over a period of ten months. This library which had but a few volumes at the beginning of the requests had but 5,000 volumes at the end of that period. This same library has made surveys of the state laws on certain subjects, has made surveys of foreign laws on certain subjects, and digests, entailing much labor of various state laws.¹¹ Legal materials were necessary in compiling the following government publications: Characteristics of State Plans for Aid to Blind,¹² to Dependent Children,¹³ and Old-Age Assistance,¹⁴ and an Analysis¹⁵ and a Comparison¹⁶ of State Unemployment Compensation laws. These publications are used by laymen as well as lawyers and the publications resulted from a need of the non-legal research expert.

One law librarian reports that the layman has been using the law library to check on the laws regarding the administration of estates, that he had been checking on his lawyer. Some hope that they can run an estate through probate without a lawyer, some like to read criminal law, some like to "learn a little law"; some are interested in the trial collection, and some come to examine state statutes, particularly laws on marriage in neighboring states, and on divorce.

However, the law library is now used to give the public the benefit of more significant research. The economist studies the court decisions to support his theories and modify them when necessary, and he uses legal periodicals to keep abreast of trends and developments. He must understand with what horror the legal profession looks upon changes in procedure and in law, in order to know how to present his ideas so that they will not appear to be new and different and so that they will fit into the pattern of legal tradition.

The economist for instance who is interested in problems of monopoly and restraints of trade would be lost without the guides set up during the past fifty years by the courts in the interpretation of the various antitrust laws.

If he is interested in what constitutes restraints of trade he can do no better

¹¹ Law Library, Social Security Board. Washington, D. C.

¹² Social Security Board. Publication no. 17, Dec. 1, 1937. Prepared by the Bureau of Public Assistance.

¹³ Social Security Board. Publication no. 18, Dec. 1, 1937. Prepared by the Bureau of Public Assistance.

¹⁴ Social Security Board. Publication no. 16, Dec. 1, 1937. Prepared by the Bureau of Public Assistance.

¹⁵ Social Security Board. Publication no. 13, Dec. 1, 1937. Prepared by the Bureau of Unemployment Compensation.

¹⁶ Social Security Board. May 1, 1940. Prepared by the Bureau of Employment Security.

than turn to the *Standard Oil* case of 1911, 221 U.S. 1, where the famous rule of reason in trade restraints was announced. If he is interested in a discussion of monopoly as such, he should turn to the *United States Steel* case, 251 U.S. 417 (1920). If he is interested in the restraining influence of patents, the two *United Shoe Machinery* cases, 247 U.S. 32 (1918) and 258 U.S. 451 (1922), are well worth his while, not to mention the *Motion Picture Patents* case, 247 U.S. 524 (1918) and the *Dick Mimeograph* case, 224 U.S. 1 (1912). The most up to date economics of patent control is contained in the *Ethyl Gasoline Corporation* case,¹⁷ decided in March, 1940.

Two of the outstanding cases regarding price control in industry will be found in the *International Harvester* case, 274 U.S. 693 (1927), and the *Trenton Potteries* case 273 U.S. 392 (1927). The recent *Madison Oil* case,¹⁸ decided by the Supreme Court in May of this year, is also a landmark in the development of price theory in the courts. It will be recalled that in the *Harvester* case price leadership was approved, that is to say, it is not a crime for one producer to copy his competitor's prices. In the *Trenton Potteries* case it will be recalled that control of prices is not subject to the rule of reason, whereas in the *Madison Oil* case the court practically said that prices cannot be manipulated by agreement in any manner. It is not too much to say that a careful examination of the Federal Court records—district, circuit, and supreme courts—in the antitrust cases of the past fifty years, including the opinions, testimony, briefs, and exhibits, would form almost a complete source of material for the economic history of the important industries in the United States during that period.

Again a cursory glance at the President's message to Congress on April 20, 1940, "Transmitting recommendations relative to the strengthening and enforcement of the antitrust laws" and the "Main lines of Study" of the Temporary National Economic Committee as outlined by Mr. Leon Henderson before this great research body on December 4, 1939, will most certainly show the necessity of deep sociological and economic research, the results of which should bring forth substantial facts to remedy the nation's ills by suitable legislation. Here again the lawyer, the sociologist and the economist must pool their efforts.

Adelaide Hasse, the well-known bibliographer and instructor in the use of Government Documents, delivered a paper last fall before the Law Librarian's Society of Washington, D. C., on the *Layman among the Law Books*.¹⁹ In it she said that "outside of treatises and textbooks, it is quite possible that the large and rich deposits of usable reference data in legal literature are closed to the layman." There are, of course, more than a few examples of non-legal books built up largely on legal citations. An outstanding recent example is the two volume Bonbright "Valuation of Property."²⁰ Grace Abbott's book "The Child and the State"²¹ shows wide research in American and English law. "Labor

¹⁷ 84 L. Ed. 559 (1940).

¹⁸ 84 L. Ed. 760; 60 S. Ct. 811 (U. S. v. Socony-Vacuum Oil Co.).

¹⁹ October 1939.

²⁰ New York, McGraw-Hill Book Company, Inc. 1937, 2 v.

²¹ Chicago, University of Chicago Press, 1938, 2 v.

Problems"²² by Carroll Daugherty, "Public Assistance"²³ by Edith Abbott and "Social Legislation"²⁴ by Helen I. Clarke, are works showing the use of the legal materials. None of these authors are lawyers. Such outstanding contributions to the economic field as Ripley's "Railway Problems"²⁵ and "Trusts, Pools and Corporations"²⁶ as well as Burns' "Decline of Competition"²⁷ are studded with legal citations and are eminent contributions by laymen. The speaker mentions several "examples of frozen economic and social data in legal literature, chiefly in case law." Miss Hasse remarked how the litigation resulting from the War Industries Board (1917-1919) Wool Division's activities as exemplified in the case of *U.S. v. McMurty*, 48 Fed. (2d) 258, would make an important addition to a bibliography on the Board—if there were such a bibliography.

As a rule legal cases are omitted from bibliographies. Too often, also, the layman either finds it difficult to discover in the law literature what he is seeking or refuses to look for it in legal literature because of legal terminology. The above case was found in the Index-Digest of the book under "License"—"a perfectly valid heading for the lawyer but invalid for the layman" says Miss Hasse. It should be added, however, that the case was also mentioned under "War."

She proceeds to show how a diligent student could add to his investigation by finding valuable material in the legal books on housing (*Welch v. Swasey*, 214, U.S. 91), on the history of a city's growth (*Hurd v. Albert*, 3 Pac. (2d) 545), and the story of a dying town (*Kansas City Southern R.R. v. Commissioner of Internal Revenue*, 16 B.T.A. 665). Another statement by the speaker should be given:

"It is my opinion that the unfreezing of this material would break down artificial barriers which we have unconsciously allowed to envelop us . . . For the greater enrichment of economics and social research and bibliography I sincerely hope for and confidently look forward to the unfreezing, by some organized effort, of data such as indicated in case law, achieved by the exercise of the same amazing ingenuity which has keyed, digested, cited, and otherwise made case law available to the lawyer."

Mr. Fred Rodell,²⁸ however, in his much-discussed, recent book must believe that even such a great bibliographical aid as that envisaged by Miss Hasse will be entirely insufficient. He does not mince words but openly declares:

"For the Law, as you may have heard before, is entirely made up of abstract general principles. All of them are so ambiguous and many of them are so contradictory that it is literally impossible to find a definite and sure solution (regardless of whether it might be a good solution or a bad solution) to the simplest, smallest practical problem anywhere in the mass of principles that compose the Law. And the sole reason why that fact is not generally appreciated by either

²² Boston, Houghton, Labor Problems in American Industry, 4th ed. 1938.

²³ Chicago, University of Chicago Press, 1940.

²⁴ New York, Appleton-Century, 1940.

²⁵ Boston, Ginn and Company, 1913. Rev. ed.

²⁶ Boston, Ginn and Company, 1916. Rev. ed.

²⁷ New York, McGraw-Hill Book Company, Inc. 1936.

²⁸ *Woe Unto You Lawyers*, p. 190-91; New York, Reynal and Hitchcock, 1939.

lawyers or non-lawyers is that the principles are phrased in a language which is not only bafflingly incomprehensible in its own right but which is composed of words that have no real or necessary relation to the solid substance of human affairs either."

Mr. Rodell, then, no doubt would change the law, *and* the terminology before such a system as that which Miss Hasse has proposed, should be attempted! On the other hand there is the scientific solution, needing wide experimentation, of Mr. Percival E. Jackson, the author of "Look at the Law."²⁹ Before we raise the temperature of the frozen data so that we can ladle it off into appropriate bottles with labels less mystifying to the layman, he would, perhaps, suggest this more drastic, less certain panacea. We quote:

"For cure or alleviation of the basic ills of man and his systems one must go to the laboratory wherein man was conceived. Perhaps the scientist can devise an insulin that will lessen man's craving for power, his selfishness and his greed. Perhaps the biologist can influence the species so that the desire to propagate may not be lessened, while the instinct to hoard for the protection of one's young may be moderated. Perhaps he can temper cupidity, while leaving the initiative that produces progress unchecked."

In other words he would have the scientist change human nature! Although the Creator alone has this ability, we believe, however, that the innate nobility of man will eventually find a way.

In conclusion, I can truthfully say that the false barriers existing between the various fields of knowledge are being torn down by an inexorable pressure from which only good can result. "Judicial principles therefore and judicial procedures alike are being moulded and interpreted in the light of the new insight which social science has given us with respect to human intercourse, human rights and human behavior. From the educational standpoint and from the standpoint of research, therefore, the libraries of the future will, I think, be called upon to furnish a section where legal sociology, and sociological law are brought together and made capable of mutual reference."³⁰

It is gratifying to know that those survivors of the coming "intellectual blackout" will have these few signposts to more faithfully guide man toward a greater civilization and a greater happiness. Honest research accomplished with that precision found only in the laboratory of the scientist will force man to be more honest with himself and with his neighbor. Science will show man how to weld his moral principles with the findings of science. The examination of the legal literature by the layman, you can be certain, will materially aid in this great accomplishment. When this day—or should I say—millennium—arrives there will be no conflict between moral right and legal sanction. [Applause.]

PRESIDENT BEARDSLEY: Thank you very much, Mr. McKavitt. I believe you have made an important contribution to the literature in this field. Like

²⁹ LOOK AT THE LAW, p. 364; New York, E. P. Dutton and Company, Inc., 1940.

³⁰ Letter to author from Mr. A. Delafield Smith, Attorney, Federal Security Agency, 6/21/40.

Mrs. Long, you have called attention to many publications which we do not already have and which in our busy practice may be overlooked. They are also types of reports and papers which may be very useful and helpful to us.

Professor Roalfe is going to give two reports this morning. The first one is the Report of the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries; the second, the Report of the Special Advisory Committee on Education for Law Librarianship.

REPORT OF THE JOINT COMMITTEE ON COOPERATION BETWEEN THE ASSOCIATION OF AMERICAN LAW SCHOOLS AND THE AMERICAN ASSOCIATION OF LAW LIBRARIES

MR. ROALFE: Mr. President, it seems to me that the fact that I have the privilege of presenting two reports should entitle me to occupy the remainder of this session, but upon looking at the program I find that Miss Elliott's report is to follow these, and knowing that she has a very important topic to present, and it involves many considerations in which we all will be interested, I am going to proceed in the briefest possible manner.

Because of the fact that the work of the joint committee since its creation in January has culminated in the luncheon meeting that we had yesterday, it has been impossible to prepare a formal written report. The committee has been quite active and I believe all of us agree that we are engaged in an interesting and constructive piece of work. However, I believe that for the present our report can be confined to the presentation of certain recommendations that should receive the approval of this Association in order that we may go forward with our work.

May I say that as we have carried on our normal program we have discovered that there is considerable overlapping between the work of the joint committee and the work of the ten law school inspectors which were appointed under authorization of both the Law School Association and the Law Library Association last year. Consequently, we believe that these two groups should be merged in an enlarged joint committee which would do those things which naturally fall within the purview of a committee of this kind, including the inspection of law school libraries under the direction of the Association of American Law Schools and with the cooperation of this Association.

In conclusion, may I present a set of recommendations that reflect these views. Although they are rather long, I believe they should be read in full. They are as follows:

It is recommended that the present Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries be enlarged so as to consist of twelve members, including a chairman,

all of whom shall be acceptable to both Associations and each of whom shall serve for a period of three years, provided, however, that four of the first appointments shall be for one year and four for two years.

It is further recommended that the functions of the committee shall be as follows:

1. It shall be the duty of the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries to study and report to both Associations on all matters concerning law school libraries in which both associations have an interest, except to the extent that specific matters have been, or are hereafter, assigned to other committees of either or of both associations.

2. Among such duties shall be the inspection of libraries of schools seeking admission to membership in the Association of American Law Schools and of schools which are already members, either for the purpose of determining if such libraries are continuing to comply with the provisions of the Articles of Association of the Association of American Law Schools relating to libraries, or in order to give advice or make recommendations for the further development of such libraries. While the joint committee may report to the American Association of Law Libraries and may request its approval of findings and recommendations concerning the interpretation and enforcement of the library requirements as found in the Articles of Association of the Association of American Law Schools, it is to be understood that the American Association of Law Libraries is not only not formally concerned with the *enforcement* of these Articles, but is not assuming any responsibility as a standardizing agency. Consequently, whenever the joint committee as a whole, or its members individually, are concerned primarily with the interpretation and enforcement of the Articles of Association of the Association of American Law Schools, they are to be understood as acting primarily on behalf of the Association of American Law Schools and such endorsements as the American Association of Law Libraries may give to such findings and recommendations are intended for transmission to the Association of American Law Schools for whatever consideration it may desire to give to them.

3. All inspectional and other work concerned with the interpretation and enforcement of the Articles of Association of the Association of American Law Schools shall be undertaken with, and shall be subject to, the approval of the Executive Committee of the Association of American Law Schools or of its membership as a whole when the Articles of Association so require.

It is further recommended that the group of ten law school library inspectors authorized by the American Association of Law Libraries on July 7, 1939, and by the Association of American Law Schools on December 30, 1939, be abolished.

These recommendations shall take effect immediately upon their approval by the American Association of Law Libraries and the Association of American Law Schools.

As I have said, the committee members, the inspectors and those who have conferred with us are in substantial agreement with respect to these recommendations, but if there are any questions I will be very glad to answer them.

Mr. President, I move that the report as submitted be approved and that these recommendations be adopted.

[The motion was seconded by Mr. Register, voted upon and carried.]

MR. ROALFE: In order to achieve the same purpose that I suggested in the beginning, to clear the decks for Miss Elliott's report, I am going to read a

very brief summary of the second report I have to present, namely, the Report of the Special Advisory Committee on Education for Law Librarianship. This report appeared in full in the May issue of the LAW LIBRARY JOURNAL. I am sure that any of you who are particularly interested have read the report and it is, therefore, unnecessary to discuss it in detail unless this is called for from the floor. I will proceed to summarize it and then present the recommendations.

REPORT OF SPECIAL ADVISORY COMMITTEE ON EDUCATION FOR LAW LIBRARIANSHIP

Summary

At the request of President Beardsley, this committee has continued the study of ways and means of publishing a manual or several manuals on law library practice, and, as a result of its deliberations, it has reached the following conclusions:

1. That the most satisfactory results can only be obtained through the publication of a single comprehensive manual.

2. That, if possible, it should be the work of one, and at most two or three persons.

3. That because it does not seem likely that one person, or even two or three persons can be found with the time and ability to undertake the work it seems advisable to consider as an alternative the publication of a series of manuals each dealing with a more restricted topic and prepared by one person.

4. That it is not at present possible to determine what expense will be involved but that, provided the editorial work is well done, the cost of publication will probably not present an insuperable obstacle.

5. That an undertaking of this kind can best be executed by an editorial board of five members headed by an editor-in-chief, said board to have full authority except to incur financial obligations.

6. That it appears desirable to consider the acknowledged need for the publication of a manual or manuals as an occasion to inaugurate a monographic series sponsored by the Association to provide an outlet for manuscripts for which the Journal is not suitable or for which it is not available.

To give effect to these conclusions, the committee submits the following recommendations:

In order to insure immediate and effective action with respect to the several matters outlined above, at least so far as is practicable, it is recommended that an editorial board, consisting of five members, representing different kinds of law libraries and acting under the direction of one of them as editor-in-chief, be appointed by the Executive Committee for the purpose of inaugurating a monographic series to be sponsored by the Association, it being understood that first consideration shall be given to the preparation and publication of one or more manuals on law library practice, provided, however, that if the members do not favor the inauguration of a monographic series at

this time, it is recommended that an editorial board with more restricted powers, as is outlined above, be created to undertake only the preparation and publication of one or more manuals on law library practice.

It is further recommended that in either of the alternatives just mentioned, the editor-in-chief and all other members of the board be appointed for terms of five years, provided that the first four members of the board, other than the editor-in-chief, be appointed for one- two- three- and four-year terms, respectively.

MR. ROALFE: Mr. President, I recommend that this report be accepted and that the recommendations submitted be approved.

[The motion was seconded by Mr. Price, voted upon and carried.]

MR. HILL: Mr. President, perhaps there might be some discussion.

PRESIDENT BEARDSLEY: Who wishes to speak on the matter?

MISS LATHROP: I did not want to speak on it, but I think it is a very important matter.

PRESIDENT BEARDSLEY: I think it is. Perhaps the most important undertaking which this Association has contemplated in recent years is the subject matter of these two reports which Mr. Roalfe has just given. Of course, the matter was given considerable discussion at the Executive Committee meeting in Chicago, as you will recall, Miss Lathrop. There may be, though, some others who may wish to discuss the question or ask some questions about it.

MR. PRICE: Dr. Beardsley, may I make an announcement? I have been working intermittently for some time on an elementary manual of my own in connection with a little course I give at Columbia. Three years ago I asked Miss Basset, who is the Supervisor of Cataloging in my library, to prepare as a part of that manual a comprehensive manual of cataloging in a law library. To my loss and to the gain of the law library profession, those two or three chapters of hers have outgrown their clothes and become a manual by themselves in their own right which will be published by the Columbia University Press within the next year.

Miss Basset about a month ago submitted the copy for this manual to me, complete except for some appendices, and I made numerous comments on it which she is going to take a month off to incorporate in the manual. Most of those comments were based on the fact that Miss Basset is so steeped in cataloging lore that she does not realize how much she does know, and I acted as the common people and recommended certain additional illustrations, amplifications, and so forth. There may be people who know as much about law library cataloging as Miss Basset but there is certainly nobody that knows more, and she has an extraordinary gift for clear and graphic expression in her writing.

In the outline I gave Miss Basset, when I thought this manual was going to be part of my own, I said I wanted the following things: I wanted no knowledge of cataloging procedure presupposed at all. At the other extreme I wanted everything in there which a cataloger, even in a very large library,

would want to know. I wanted every routine, from the moment a cataloger received the book until it was on the shelf, described in clear language so that a person who did not have library training would be able clearly to grasp it. I wanted the use of L. C. printed cards emphasized so that such a user would be able to do a minimum amount of original work. I wanted every illustration in that to be applied, not to a general book but to a book familiar to law librarians and to be found in a law library. I wanted a complete list of sample cards illustrating every book, periodical or pamphlet that is encountered in cataloging a law library.

Miss Basset has done all that and, in my opinion, it is a most beautiful job. I think it is going to be a classic of its kind.

It is my opinion — and that is why I am mentioning it at this point — that as far as the monographic series proposed by Mr. Roalfe's committee is concerned one very important aspect has been adequately taken care of.

PRESIDENT BEARDSLEY: I think, Mr. Price, that your suggestions are very timely. The Executive Committee had heard something about this. We discussed that at our meeting in Chicago. It fits right into our program, doesn't it, Mr. Roalfe?

MR. ROALFE: Yes, and I am glad that Mr. Price raised it. It is a desire to clear the decks for a colleague that made me hasten perhaps a little unduly. When the committee reluctantly abandoned the idea of a comprehensive manual, we were somewhat appeased by the discovery that it was quite likely that some of the fields contained in the more comprehensive piece of work would be taken care of, such as this field of cataloging by Miss Basset.

For this reason I think that an alternative recommendation, that a series be inaugurated to take care of not only fields not covered by other enterprises but opening the way for publication of manuscripts not suitable for the *Journal*, is perhaps the better of the two, in spite of the fact that all of us, I think, would agree that it would be a fine thing to have between the covers of one book all of this information that we would like to have at hand. I think probably that the contribution by Miss Basset will not be the last one that will be done by some member and that may be sponsored by someone else.

Obviously, if we inaugurate a series of this kind the editors would not be interested in competing. Whenever a job was undertaken and brought to fruition by some other group there would be no sense in our doing it. This Association should put itself in the position of encouraging publications that we need where other backing does not prevent it.

The news that Mr. Price has brought is really great news because I think probably this contribution in the cataloging field may not only be significant in that field but will suggest similar work in other branches of our activity.

MR. PRICE: May I make another remark? Mr. Roalfe has been fully familiar with the fact that Miss Basset was doing this manual, but Miss Basset, like many other extremely competent people, labors under the disability of

extreme modesty and until she got this manuscript in shape to be inspected she was so afraid that she was going to do a poor job that she did not want any publicity given to it at all. I think that her fears have been allayed by the library school and by everybody over in the law library who has read it.

MR. ROALFE: I want to thank Mr. Price for saving me as it were, because I did have this information but did not feel I could reveal it.

PRESIDENT BEARDSLEY: Is there any other discussion or question upon this very important matter which the Association is undertaking to sponsor?

MR. ROALFE: If there is any fear on the part of any member I want to stress one point that we have in the recommendations, and that is that the Editorial Board has no authority to incur any expense. In other words, any kind of program that it may inaugurate must come back to the Executive Committee or to the Association as a whole before we are committed for the expenditure of money.

PRESIDENT BEARDSLEY: The Association will recall that we have been working on this question of the preparation of a law library manual, or some form of publication that will be useful in law library service, for some years and the work of the committee this year is largely the outcome of the report made to the Association last year. I think we are taking a very important step forward.

No one can appreciate the amount of work that is involved in the report of this last committee or of the preceding committee unless he or she has had something to do with it. Professor Roalfe has given a tremendous amount of time in the preparation and study of these questions and, as is usually the case—notwithstanding that he may have had some very helpful committee members—most of the work necessarily does fall upon the chairman. I think we owe a great debt of gratitude to Professor Roalfe for his untiring energy in studying and working out these two difficult problems.

In further connection with the announcement which Professor Price has just given us, I want to say that I am also very happy to know that there is a manual on cataloging soon to be available. Some of you know that we started a little experiment at the University of Washington this past year in the field of training for law library service. We were forced to it as the result of economic conditions in our own group. We had enrollment of two students last year and we will have two more this coming year. But the point I am trying to make is this: that we have had no tools with which to work: no books, no manuals, no syllabi of any type that we could use, aside from one or two of the Yale monographs and Professor Price's own publications. We need something further in the specialized fields of the law. This cataloging manual is going to be excellent. It will fit right into my program the same as these other publications I have mentioned have fitted into my program.

What we need are just such publications as are contemplated by this Association. I am very glad we are going to have a cataloging manual. While I do not teach the cataloging courses, I am quite sure those who do will be

glad to have something that fits more closely into the law cataloging field than the general courses are able to do.

MR. DUE: I move to rescind the action taken a moment ago on this report.

[The motion was seconded by Mr. Johnston, voted upon and carried.]

PRESIDENT BEARDSLEY: The adoption of the report, which was a little previous, is hereby rescinded. Now the motion is in order for the adoption of the report presented by Professor Roalfe.

[It was voted, upon motion by Mr. Hill, seconded by Mr. Johnston, that the report as presented by Mr. Roalfe be adopted.]

PRESIDENT BEARDSLEY: I want to apologize to the Association for not calling for discussion on that motion, which was entirely proper. It was entirely a slip on my part.

MISS FRANCES D. LYON (Law Librarian, New York State Library, Albany, N. Y.): I rise to a point of order. I noticed the procedure of yesterday and today. I think on every motion we should be given opportunity for debate, except on formal matters. It is interesting to know what action the Executive Committee has taken, but I think the assembly as a whole should be given opportunity for debate on every motion.

PRESIDENT BEARDSLEY: You are quite right, Miss Lyon. Your point is well taken.

We have a committee report which should be presented at this time before Miss Elliott presents her report. It is the Report of the Committee on Cooperation with the American Bar Association, of which Mr. Vernon M. Smith of the University of California is the chairman. He, unfortunately, is not here so we will ask Miss Kilbourn to read the report for him.

[Miss Kilbourn read the report and then moved that it be accepted and placed on file. The motion was seconded by Mr. Due, and, there being no discussion, was voted upon and carried.]

REPORT OF THE [GENERAL] COMMITTEE ON COOPERATION WITH THE AMERICAN BAR ASSOCIATION

In order that there may be no confusion of this report with that of the other committee of a similar name (Committee on Cooperation with the American Bar Association—Legal Publications and Law Reporting) it seems appropriate briefly to set out the origins of this committee.

In 1934 this Association authorized the appointment of a committee to confer with the American Bar Association on the problem of duplication of law publications, such authorization having come as the result of a report by the committee on that subject headed by Miss Frances D. Lyon and upon the suggestion of the late Mr. Fred Y. Holland.

In 1935, 1936, and 1937 the reports of the Committee on Cooperation with the American Bar Association were devoted exclusively to the subject of law publications, but in 1938, under the leadership of Mr. Dennis A. Dooley, the committee recommended that this Association offer aid to the American Bar Association and to local associations in the conduct of post-admission legal education. This recommendation was approved by the Association.

Subsequently, at the 1939 San Francisco meeting, the Association decided to place in one committee all of the work of cooperating with the American Bar Association on the problem of duplication and publication, while another committee, this one, was directed to cooperate with the American Bar Association on all other points.

Thus this committee was intended to act as a standby committee to which may be referred any subjects for cooperative effort by this Association and the American Bar Association. No subjects of study have been referred to this committee, but the President of the American Bar Association has been informed of the existence of this group and has been invited to use its facilities.

Presumably this committee has the privilege of initiating suggestions as well as acting on referred matters (especially in this report, there having been none of the latter before it). Such being the case, one suggestion is renewed and one offered.

In the first category is the recommendation approved in 1938 that the members of the Association cooperate in the giving of professional courses for lawyers, a national program which the American Bar Association has recommended to the various local bar associations. Undoubtedly sundry ways in which the law libraries may participate in this movement will suggest themselves, such as offers to the bar associations of the use of the facilities of the law libraries. It is also possible that the librarians may wish to develop courses on legal research and the use of law books or on new aids to research for inclusion in bar courses.

In the second category is the suggestion that this Association consider the appropriateness of an offer by it to the American Bar Association of direct aid in the inspection of law school libraries. The Association has already undertaken to provide this service for the Association of American Law Schools. The present proposal is a logical extension and could be carried out through the same means. At the San Francisco meeting last year Mr. Will Shafroth, then Adviser to the Section of Legal Education and Admissions to the Bar of the American Bar Association, intimated that such assistance would be welcome and helpful to that office.

It is further recommended that this committee be continued as a medium for cooperation with the bar on any matters which may arise and which may be appropriate subjects for collaboration.

It is with deep regret that this committee's report must record the death of one of its members, Miss Ophelia Strickland, law librarian of the University of South Carolina. The other members of the committee have been: Dennis A.

Dooley, Alice Magee, Harrison MacDonald, Robert C. Owens, and S. E. Thorne.

Respectfully submitted,

VERNON M. SMITH, *Chairman*

PRESIDENT BEARDSLEY: The concluding report this morning is one which Miss Elliott will now present as chairman of the Special Joint Committee with the Association of American Law Schools on Study of Classification and Pay Plans. You will recall that this committee was created, in effect, last year but really came into its present form as a separation from the previous committee as a result of the action taken by the Executive Committee at the December meeting.

So at this time, Miss Elliott, we would be pleased to have your report.

**SECOND PROGRESS REPORT OF THE SPECIAL JOINT
COMMITTEE ON CLASSIFICATION AND PAY PLANS
APPOINTED BY THE ASSOCIATION OF AMERICAN
LAW SCHOOLS AND THE AMERICAN
ASSOCIATION OF LAW LIBRARIES**

As you will recall, last year in searching for the most efficient way to handle the task assigned to our committee by a former committee—the task of (1) making a survey of the present status of the law librarians' profession, and (2) making a study of salaries—we accidentally discovered that the American Library Association was considering the possibility of undertaking the same job immediately as a part of a comprehensive survey of all university libraries. It came to light that for this work they intended to use the Position-Description as their tool and from the information produced by this questionnaire to formulate classification and pay plans.

An examination of these plans revealed the fact that they came nearer producing the results desired by this Association than anything investigated by the committee up to that time. As a consequence our committee recommended that classification and pay plans for the law librarians of universities and schools be formulated by the Association under the direction of the American Library Association or a government expert on personnel problems—such as Mr. Fred Telford of the Department of Labor.

It is common knowledge that the matter was referred to the Executive Committee who approved the plans, suggesting that we follow the leadership of the American Library Association since they were experienced in the work and since it would be more economical than employing a free lance.

We immediately communicated with the A.L.A. Personnel Committee and found that they were making real headway with the university library plans; in fact, they had put in shape the first tentative draft. In May they requested our Association to send representatives to the June 1st meeting when the mat-

ter of including law libraries in the scheme would be discussed. Mr. Alfred Morrison and your chairman were there and found to their amazement that the published first draft had in a month's time been completely changed into a most comprehensive scheme. After some study of the scheme, it appeared to be quite an improvement over the original plan.

What the New Plan Is

In revising their plans, the A.L.A. started first by working out principles on the subject of standardizing libraries that would be broad enough to cover all libraries. They operated on the basis that: All libraries of each class have certain elements in common which can be assigned certain values; that these elements can be measured both quantitatively and qualitatively if the service load of the library is known; and on the basis of this each library can be given a rating which, when grouped, will result in a classification plan.

Whether these principles are absolutely sound remains to be seen. They are working on the new project and will report soon. We will explain what had been done by June 1. The A.L.A. chose 50 general university, college and junior college libraries which were willing to cooperate in working out a new scheme and willing to help test it. The outline will explain the procedure used.

A. How standards were established for general university libraries.

1. Fifty librarians offered their libraries for the experiment.
2. Each answered a finely detailed questionnaire about (a) Service they give; (b) Staff; (c) Their building; (d) Book collection.
3. Service load was established by each librarian.
4. A.L.A. graded the librarians.
5. Libraries listed in order of their service loads.
6. Standards set up for each new class which developed from this list.
7. Rating method worked out:
 - (a) Three main elements (Building, Books, Staff) weighted on 25%, 35%, 40% basis.
 - (b) 25%, 35%, 40% ratio translated into 250, 350, 400 points and distributed over the details of main elements.
 - (c) Minimum standard library: 1,000 points.
 - (d) Rating chart formulated.
 - (1) Fine analysis.
 - (2) Minimum weight of each item in points.

B. How weight was assigned.

1. Library elements: (a) Building, 25% or 250 points; (b) Books, 35% or 350 points; (c) Staff, 40% or 400 points.
2. Clientele: (a) Undergraduate, 1; (b) Graduate, 2; (c) Research, 3; (d) Faculty, 4.

C. How standards were set for librarians.

1. Information: (a) Professional equipment; (b) Job analysis.
2. Librarians graded: (a) Classified (roughly); (b) Ranked according to job; (c) Graded accurately.
3. Standards set up in pamphlet form: (a) Education, experience and pay for personnel grades; (b) Personnel specifications for positions.

When you have established your service loads and made a job analysis, this last step is all that you as a group will have to take, as the main burden is going to fall on those who offer their services and their libraries for the experiment to be mentioned later.

A.L.A.'s Proposition to A.A.L.L.

In brief, A.L.A. proposed that the two organizations enter into a plan whereby the A.L.A. can ascertain whether or not this plan is flexible enough to cover our special professional libraries. This will be a pure experiment. The A.L.A. asked our Association to (1) call for volunteer law librarians who would be willing to work under the A.L.A.'s directions; (2) request the Executive Committee and the Working Committee to choose 12 to 16 librarians from the volunteer librarians, whose libraries are as near standard as can be secured, to cooperate in the experiment; (3) explain that the volunteers would have to go through the procedure set up for university libraries; and (4) place the A.L.A. in touch with the volunteer group.

After trying the experiment, if the scheme is not comprehensive enough, a new plan will be evolved for our special purpose. At that time, all units, mathematical bases and elements will be raised to meet the higher standards of graduate school libraries.

Impressions.

Our Committee would avoid over-optimism and would not claim too much for the skeleton plan we advocate. We realize it is in its formative stage and that the A.A.L.L. presents many variants for consideration. But if we judge rightly, the A.L.A. seems to have a workable idea. They seem to be going in the direction we want to go. If they can handle their large group, why can it not in time be utilized to set the law school group on a common quest for higher reaches for the libraries of the law schools? Certainly we will lose nothing by the experiment; it may be there will be gain.

Of one thing we feel reasonably confident—that any library that will freely enter into this "yardstick search" by self-criticism, library criticism, service criticism and school criticism, will pass through a revitalizing experience with no embarrassment that can be foreseen now.

It is our further impression that if all goes well at the next meeting we can bring in Draft No. 2 of Plans for Law Libraries for the criticism and suggestions of this group. At that time the Association as a whole can judge whether the tool fulfills the requirements; whether all members will grade themselves and

use the standards; and whether the committee's plans should be carried through to the end that is now planned but not yet delineated.

Recommendations

For the foregoing reasons we recommend that: (1) the Association enter into the experiment proposed by the A. L. A. even if it means a great deal of handling of questionnaires. (If it is not thoroughly satisfactory, later we can employ a technician who will use different methods); (2) the Association appoint the type of committee necessary for the work ahead, that is, 6 members who represent the 3 main types of libraries already recognized from previous statistical studies, designating libraries of Classification and Pay Plan Committee members as far as possible; (3) if it is the wish of the Association to continue the work that volunteers be called for at this meeting; (4) the Executive Committee and present Classification and Pay Plans Committee choose the 12 to 16 libraries that are nearest standard and that cover the spread of types; (5) the volunteers meet with Classification and Pay Plans Committee, (which will act as a liaison group); (6) the Association give the bar and government law librarians present an opportunity at this meeting to express their opinion as to whether or not they (a) would like to follow suit with plans that fill their needs and, if so, (b) whether they can take definite steps toward organizing and formulating a rough sketch of procedure at this meeting; and (7) the Association authorize the Secretary to express the appreciation of the group to A. L. A. for their willingness to aid us in such a much needed enterprise.

Appeal

If you decide to enter into this project, may we beg each one to study the charts until as clear an understanding is obtained as is possible under the circumstances and then to give the committee the benefit of every idea that would result in benefit for all. Please do not place any uninformed negative thought against this, for that will tear down faster than we can build. You will realize that your committee is crusading and pioneering and that it is a heavy job at best. If we have to meet thoughtless opposition it will only slow down the process that should move with dispatch since we are trying to keep step with a group that is making progress.

As a committee we see in the law librarian's situation a real human need. We are trying to meet it. Will you not please give it solid backing and the benefit of your individual and collective strength.

Respectfully submitted,

LUCILE ELLIOTT, *Chairman*

ALICE DASPIT

FREDERICK C. HICKS

PHILIP MARSHALL

PRESIDENT BEARDSLEY: Thank you very much, Miss Elliott, for this very excellent report.

I am sure you were able to see from the report that Miss Elliott has given a tremendous amount of energy, time and thought to this study.

You have heard the report of the committee. You recall that this is a special committee and the recommendations, presumably, will carry the suggestion for its continuance because the report is largely a progress report and the committee will go forward for further study.

[It was moved by Mr. Register, and seconded by Mr. Price, that the report be received.]

PRESIDENT BEARDSLEY: Is there discussion?

MR. HERN: I wanted to make a motion that the report be referred to the Executive Committee.

PRESIDENT BEARDSLEY: There is a motion before the house now. The suggestion you have, though, is that the report be filed and referred to the Executive Committee. For what purpose?

MR. HERN: For further study of the plan.

PRESIDENT BEARDSLEY: The motion before the house is that the report be received and that the committee be continued.

MR. VANCE: Was the motion that the recommendations of the committee be adopted?

PRESIDENT BEARDSLEY: Miss Elliott, will you tell us more specifically what the recommendations are?

MISS ELLIOTT: The main recommendation is that we enter into the experiment proposed by the American Library Association. The second important point is that the committee call for volunteers. The recommendation is that we go through the whole process at this meeting, except the actual choosing of the volunteer libraries, and that we give the bar and government librarians an opportunity to express themselves as to whether or not they want to go through this process.

MR. VANCE: Mr. President, I rise in opposition to the motion. I appreciate the long study that the chairman and the committee have made. It must have taken most of the year to work out the details of this plan. It is so complicated that it seems to me it will take much more time than any law librarian has, if he does his regular work, to fill out the questionnaire and evaluate quantitatively and qualitatively these various activities, service loads, etc., included in the plan.

It seems to me that it is a confession of weakness on the part of the American Association of Law Libraries to follow the proposal of the American Library Association which has no special interest in the American Association of Law Libraries. I think our experience in the past has shown that very clearly. I think the American Association of Law Libraries is quite able to adopt its own plan for the classification of its members, whether they work for universities, whether they work for bar associations, or whether they work for government libraries.

Of course, there are varied types of libraries, there are varied types of buildings, and there are varied types of services. It seems to me, with all due respect to the untiring energy which the chairman has displayed in following

this A.L.A. plan, that we ought to set up our own plan. Our own committee can very easily make a study and submit it to the Association or the Executive Committee. But simply to follow this scheme of the American Library Association it seems to me is very unwise for our Association. Of course, if individual members of our Association desire to undertake this study, that is entirely up to them, but for our Association to go on record as favoring this, I think is a great mistake.

MR. REGISTER: Mr. President, I think Mr. Vance misunderstood my motion. I merely wanted to clear the way by accepting this report, which is certainly a valuable report to us whatever we may do with it hereafter. I merely wanted to clear the way for discussion on the recommendations and any action we want to take on the report. I think acceptance is quite different from approval of the report.

MR. HILL: I think that the other motion which was out of order might have covered that. Didn't we have another representative at this meeting from whom we might have an expression of opinion?

PRESIDENT BEARDSLEY: Mr. Morrison was there.

MR. VANCE: Mr. President, I understood that the acceptance of the report called for the adoption of the recommendations.

PRESIDENT BEARDSLEY: That was the interpretation of the Chair.

MR. REGISTER: I did not so intend. I withdraw the motion then, Mr. President, if that is the ruling on the interpretation of the acceptance of the report.

MR. JOHNSTON: Don't you mean, Mr. President, that it be received and placed on file and left for further discussion? Then the next question is whether you are going to have fifteen or sixteen different libraries who will cooperate in this or whether you are going to refer it to the Executive Committee. You have two separate motions there.

MISS LYON: Mr. Chairman, again I rise to a point of order. I think your committee report cannot formally be accepted because you include the recommendations.

MR. PRICE: I seconded the first motion. It has been so confused that, while I had the same interpretation of the meaning of the motion that you did, I think, in order to clarify the matter, I will withdraw my second so that the clarifying motion or motions may be made. However, I am still in favor of the original interpretation of the motion.

PRESIDENT BEARDSLEY: The Chair rules, then, that the motion as originally made by Mr. Register, and seconded by Mr. Price, has been withdrawn. The question is back before the house for further discussion.

MR. VANCE: I move that the report be received and referred to the Executive Committee for further consideration.

[The motion was seconded by Mr. Hern.]

MR. PRICE: Mr. Chairman, I would like to ask what the result of that motion will be, if adopted. I am thoroughly opposed to side-stepping this issue and I do not think that the Executive Committee should be empowered to act

for this entire group on that matter. I think we ought to discuss this thing openly and in good spirit.

MR. HILL: I wish to ask Mr. Price a question. Did you mean by that that we could continue the committee and have them make further study?

MR. PRICE: I should like to see this report and the recommendations discussed at this meeting and voted upon. I am opposed to putting this off for another year.

MR. ROALFE: Mr. President, I would like to say that I feel the same way as Mr. Price. It seems to me quite unfair to a group that has labored as diligently as those who have labored with Miss Elliott to pigeonhole a matter of this kind by referring it to the Executive Committee without any specific instructions to the Executive Committee as to what it should do. Even under the best of circumstances reference to the Executive Committee means delay for we are not in position to have our Executive Committee meet frequently.

My feeling, like Mr. Price's, is that we owe to a committee that has made as serious a study as this some definite discussion on the merits of the issue rather than a blind disapproval of it, or a half-hearted disapproval that does not face the issue. I think that some of our opposition at least is quite unintelligent and I feel that in justice to those who have worked so hard we should be rather cautious about that.

Of course, there is the possibility of proceeding in a manner other than wholehearted adoption if the members feel that way, but I think we should be a little bit franker about it.

MR. JAMES C. BAXTER (Librarian, Philadelphia Bar Ass'n, Philadelphia, Pa.): Mr. President, I think this is an important matter and I do not think any of us can now become thoroughly familiar with the report just presented. If this is printed in our Journal we will have an opportunity to read it and to digest it. Then we can take it up more thoroughly at our next meeting. I think it would be better if we could all read the report carefully and then we would know what we were doing.

MISS HARGRAVE: Would it make any difference if the volunteer libraries are willing to study the report and put in their reports along this line next year? Wouldn't that facilitate and expedite the matter for the next meeting?

PRESIDENT BEARDSLEY: It might perhaps if the recommendations were modified somewhat to be more specific on that point.

MR. ROALFE: Mr. President, might we ask the chairman if she feels that this would help the situation: if a motion were adopted that libraries either be permitted or encouraged to volunteer to engage in this preliminary study in order to make the report next year more concrete?

MISS ELLIOTT: Yes, it would accomplish the same result.

MR. ROALFE: I feel very strongly that what Mr. Vance and some of the other members have said is in large measure justified: that an association of this kind should proceed with caution and that we should understand as a group what it is we are doing, but perhaps we would be willing to consider this very

much more restricted step at this time. If it would clear the way for Miss Elliott and her colleagues, it seems to me we would have achieved something right now, and it would be far more courageous, far more honest, and far more appreciative to people who have done very thorough work during the past year.

MR. VANCE: Mr. President, as one who made the motion, as I explained at the time there certainly could be no objection if any group of members want to make this study as volunteers—university libraries or any other libraries—but for us to go on record as an Association and adopt these recommendations I would very heartily oppose. I say that in all kindness and respect to the committee. I admit that I do not have any very intelligent ideas nor can I make any very intelligent discussion about it because it is too complicated for anybody to do this unless he has made a serious study of it for some time, as Miss Elliott has done.

But certainly this motion does not mean that the work of the committee goes for naught because if it is referred to our Executive Committee, which has to meet within six months' time, by that time—as one of our members has suggested—it could be printed in the Journal and further consideration can be given to it. Members can write to the members of the Executive Committee and acquaint them of their feelings on the matter and some serious discussion can be had at the meeting of the Executive Committee in Chicago.

MR. HILL: Can't we do that by continuing this committee and let them continue the work?

PRESIDENT BEARDSLEY: I believe, Mr. Hill, that the report is predicated upon the fact that there must be a study made of the situation in twelve or fifteen libraries during the coming year.

MR. HILL: I understood that they are merely voluntary.

PRESIDENT BEARDSLEY: That is true. They are libraries which have volunteered their services to the American Library Association for that purpose. Your question was whether it should be done by the same committee. The committee would have to be authorized to proceed along the lines that have been suggested at least if anything constructive is to be accomplished. In other words, the committee would have to be instructed to proceed to get volunteers to be experimented upon.

MR. HILL: I still feel that we should hear from Mr. Morrison who attended the A.L.A. meeting in Cincinnati.

MR. MORRISON: Mr. President, I purposely kept quiet because Miss Elliott and I gained our information from the same source and she has spoken so well in regard to it that it would be a waste of time for me to add to what she has said.

My impression generally on the committee which met in Cincinnati was that their old scheme of classification had been set aside and that a new scheme of classification during the past year had been worked out and they were considering it for the first time during their meeting in Cincinnati the end of May and first of June.

I am not so sure that all members of the American Library Association Committee had been convinced of the soundness and the workability of the scheme, although I am confident that those who have studied it most carefully and who had designed it were confident that it was sound and would work, and that it would help. They are in the very early stages of experimentation with the plan and I think there isn't anything much that we can do except to watch, to wait, to cooperate and to lend a helping hand if we can so that in the end if anything definite and tangible comes out of the situation for us we may make it available to our members.

May I add, Mr. President, that I feel that we ought to continue this committee to study and cooperate along the line that it has been doing during the past year. I have the feeling that to throw the matter into the lap of the Executive Committee forces the Executive Committee to start at the foot of the ladder, and they do not have the time or the opportunity to make a study such as the committee and Miss Elliott have made during the past year. I think we ought to be able to agree somehow that the work can be continued even though we may not go very far in the committee ourselves at the present time.

MR. JOHNSTON: Mr. President, isn't it true that the sentiment here as expressed so far is very kindly toward the report? We do not know very much about the outcome. The last speaker has suggested that he doubts that the American Library Association is entirely satisfied of its position and what will ultimately develop in this new plan. Why not continue the committee, either with or without reference to the Executive Committee? They certainly have a right to talk to the Executive Committee or write to them whenever they want to.

The Executive Committee will have a meeting, I suppose, in Chicago in December. It seems to me that six months' study, with perhaps the right to refer to the Executive Committee—I mean, the right by vote today—is what is wanted. If Miss Elliott wants fifteen volunteer libraries to give such assistance as they can, that is going to go that much farther toward completing the report.

The report will not be one recommending the adoption, in my judgment, of the American Library Association's position in full because we do not quite fit what they are doing, but there may be a large skeleton plan and a good deal of filling in the skeleton which will be available and advantageous to us.

What I think we want is to continue the committee, with power, of course, to refer to the Executive Committee. Get your fifteen volunteer libraries at work and have a report, perhaps only of progress but a remarkable progress, in the next six months. I think that is the sentiment of the people assembled here right this minute and I think you will get some results next December.

PRESIDENT BEARDSLEY: You had in mind that the committee would continue operation throughout the whole year and not merely be terminated at the session of the Executive Committee?

MR. JOHNSTON: That committee, in my judgment, should be continued for the whole year, but it should give a report of substantial progress next December.

MR. HILL: Mr. Johnston, I think it will even take a study by the American Library Association of perhaps two or three years yet. I do not think we are going to arrive at any conclusion with any rapidity at all.

MR. JOHNSTON: I do not think we are going to follow the American Library Association in all details.

MR. PRICE: Mr. President, I would like to ask Miss Elliott, for means of clarifying this discussion a little more, what the adoption of her recommendations would commit the Association to. I do not see that it is committing the Association to anything that is going to injure it. It seems to me that we are entering into an experiment. We are not stating that we are going to adhere to a definite policy, that we are going to abide by any results; but that we are co-operating with the American Library Association in a certain experiment and trying to find out these things. Nobody is bound by any results of that experiment. We hope to find something useful.

MR. HILL: Mr. President, what is the motion before the house?

PRESIDENT BEARDSLEY: The motion is that the report be received and filed with the Executive Committee.

MR. JOHNSTON: I offer an amendment that the committee be continued for study of the question for the coming year.

[The amendment was seconded by Mr. Register, voted upon and carried.]

PRESIDENT BEARDSLEY: We will now vote upon the amended motion: that the report be received and filed with the Executive Committee, and that the committee be continued.

[The question was called for, the amended motion was voted upon and carried.]

PRESIDENT BEARDSLEY: The report is thereby received and filed with the Executive Committee and the present committee continued for further study of this question during the coming year.

MR. MORRISON: Unless there is some other important matter to come before this session, I would like to move that we adjourn.

[Adjournment at twelve-fifty o'clock.]

ASSOCIATION BANQUET

Colonial Room, Royal York Hotel

Friday Evening, July 28, 1940

Toast to the King—Proposed by Toastmaster James.

Toast to the President of the United States—Proposed by Mr. George Johnston.

TOASTMASTER JAMES: When Miss Newman rather temerarily asked me to be Toastmaster, I was weak enough to accept, but then my excuse and justification for the acceptance is: How can anyone refuse Miss Newman! [Applause] I told her, however, that I was going to be serious and she and the rest of you would have to take what comes.

I am serious because I cannot help it. The situation is such that it arouses

in me thoughts and feelings of a serious character, and I want to express them here. I hope I shall express the feelings of all of you. I know I shall express the feelings of some of you in what I shall say, and part of what I have to say I know shall undoubtedly express the feelings of all of you.

We who are from the United States are not unfamiliar with Canada. Most of us have been frequently in Canada. We have enjoyed the exciting air of your mountains, and have reveled in the beauties of your lakes and your shores. This Association has met in Canada on more than one occasion. We are familiar with your hospitality. As librarians and as citizens of the United States, we feel very near to you in Canada, not merely for reasons of propinquity and geography, but for other reasons which are deeper and stronger than that.

Our history for a very long period was the same as yours; our traditions are very much the same as yours; and above all and beyond all of those things is the fact that we derive our law and our legal institutions from a common source. In the United States some of our states have French law, but in most of the states—as in most of the provinces of Canada—our law and legal institutions, the foundations of our administration of justice, the foundations of our public and private liberties, are derived from the same source as those out of which your own institutions have developed. We are all inheritors of the common law, and the fact that we are inheritors of the common law binds us much more closely, I think, than we realize when we are thinking of such things as a common boundary and that sort of thing. We are deeply concerned with you, and you, I know, are deeply concerned with us. We think about many things in the same way. We serve the same gods.

At this time in the history of the world our conceptions of justice according to law, the common institutions which we have inherited from the same source, are threatened in their ancient home as they have never been before in the history of the world. I want to express to our Canadian friends and hosts the feeling of solidarity which I know I feel and which I know that many others south of you feel, and I am very happy to have had this opportunity to give you this very feeble expression of it.

I do not know that law librarians have any duties or obligations that differ from those of other citizens, but I feel that law librarians differ somewhat from other librarians. We have in our charge the records of that long centuries-old struggle for justice according to law; justice between man and man; justice between nation and nation. They form a treasure which is priceless; a treasure which perhaps may be the finest treasure of our civilization.

We, of course, guard the books in our libraries for primarily a practical purpose—the technical use by the Bench and by the Bar. But I do not want you to forget that those records which are used day by day are the records of that tremendous struggle for right and justice which has gone on in our English-speaking world for centuries. It may be—undoubtedly it is true today in some parts of the world—that law libraries will disappear, there will be no further need for them, but when they disappear among us, if ever they do, they will

not have gone until justice and freedom and liberty will have disappeared also. [Applause] What is ours to guard and to keep is a priceless heritage, and it is a priceless heritage which we share with our friends in Canada.

Now we have gathered together here tonight to get away from the spectacle of a world gone mad in lust for power. We cannot forget the shadow which hangs over us, but, nevertheless, I suppose we may enjoy a few minutes in endeavoring to counsel together and to have a feast of wit and, let us hope, of reason; of that reason which is so absent in many parts of this war-torn world.

It is very pleasant to have an opportunity, I think, to thank somebody and tell him that you appreciate what he has done. We do not have many such opportunities in life; at least, we do not take advantage of them. There are many in this gathering, many who are not here, who have rendered great service to law librarianship. I should like very much to mention all of them, but, of course, that cannot be done. We haven't time enough and it would be invidious and objectionable, I suppose, if I attempted to pick out a few. But we have one with us tonight who has rendered great service to law librarianship and who is retiring from the most important office in this Association to return to the ranks where for so many years he rendered service from which we have all benefited. It is a great pleasure to tell him that he has done good work and that we appreciate what he has done.

I want to ask Dr. Beardsley to say a word to us. [Applause]

PRESIDENT BEARDSLEY: Mr. Toastmaster, Ladies and Gentlemen, I do not know if I can say anything after that very beautiful introduction, but may I preface the brief remarks which I am going to make by an announcement.

I find that, due to many reasons, many of our group plan to leave early tomorrow and the session which we had contemplated having in the afternoon is in danger of being cut short if we adhere to the schedule which we had announced. Therefore, in order that we may finish the business which we have outlined, I would like to call you together at eleven o'clock tomorrow morning. I think we can be through in time for those who desire to leave early in the afternoon to do so.

For me to speak in the light of what our Toastmaster has said is like going from the sublime to the ridiculous. He has asked me to bring greetings to you, and this I am delighted to do. It seems to me that as I look at the history of our organization during the past years we have developed two very beautiful and unique traditions. One of them is of a very informal character and partakes of the nature of our annual songfest which we had last evening and which is in its perfect form carried out under the sponsorship or the direction of that very inimitable pair, John Vance and Alice Magee. The other tradition to which I refer is one of a little more formal character in which we have for many years gathered at a banquet and, in a way, said farewell for the year and expressed hopes and wishes for the year to come. That is the occasion of this evening.

And so on these occasions, and notably this one, we usually find many new

faces and many persons whom we have greeted as new members to our Association. Some are here this evening who have not been here for a long time. Some are here this evening for the first time. We all extend you a very happy welcome into our Association, or return to our Association, and we trust you will come regularly in the future.

When I asked Miss Newman to request our distinguished Toastmaster to serve for us on this occasion I really had in mind a two-fold purpose. One was to obtain as our Toastmaster a person who possesses an abundance of charm and wit and eminence of position, all of which are embodied in Professor James. The second purpose was somewhat selfish, namely, I wanted to get out of giving a speech and you can see how badly in that respect I have failed. When he so graciously consented to serve as Toastmaster I felt contented and felt that I could sit back and, to use that very common phrase, let James do it! But again I say I have been misled.

Perhaps I am a little bit too thickheaded, which reminds me of a case recently tried in one of our western courts where the counsel was in the midst of a cross-examination of a witness who had testified that he had seen the defendant throw a rock which struck the plaintiff, injuring him, and for which damages the plaintiff was suing.

He said to the witness: "Well now, you testified that you saw the defendant throw this rock which struck the plaintiff?"

The witness said: "Yes, sir."

"How large was this rock which you saw the defendant throw?" He waited a moment and got no reply. He pressed the question again, and the witness replied, "I don't know."

"Well, was it as large as a marble?"

The witness hesitated for a moment and said, "I don't know."

"Well," he said, "was it as large as my fist?"

Again the witness, after some hesitation, said, "I don't know."

"Well, well," the counsel said, "you have testified that you saw the plaintiff throw this rock. You must have seen the rock. You must have had some idea of how large it was. Was it as large as my head?"

The witness, after a moment's reflection, said: "Well, it was as long, but it wasn't as thick." [Laughter]

But to return to a more serious vein, this is a very happy occasion for us and this reunion is a very happy reunion. We have been guests for the past few days of a beautiful city and a most hospitable Bar. We have had many favors and courtesies extended to us. Everyone has been so helpful and so thoughtful. We have a Local Committee on Arrangements which has done itself proud and for which we are very, very grateful.

Time does not permit me to make a speech, and I couldn't if I wanted to. That is one—well, I was going to say fault that I do not have, but we are going to hear an address this evening by a very illustrious member of the Canadian Bar which I am sure is to be for us a very rare treat.

So I am going to conclude by thanking you for the great privilege which I have had during the past year. As I told you on Wednesday morning, I am not certain that I have succeeded very well, but I have hoped to do something to foster the profession of law library service and to help it along on its way toward greater attainment and success.

I do hope that in the days to come when you contemplate another location for your annual meetings that you will come out to the Western Coast. I would be delighted to have you come to Seattle and let's make it sometime in the not too distant future. I appreciate that we were in the West last year, but I am not inviting you for next year. Let's think about it. Seattle has a delightful climate. I suppose if the Chamber of Commerce knew I was making a publicity speech now they would offer to pay my expenses!

Once more may I express appreciation of the opportunity I have had to serve you during the past year. [Applause]

TOASTMASTER JAMES: I am going to depart from the program for a moment as it is printed. That is always the privilege of a Toastmaster. I think there is an oversight in the program and I want to correct it. I am not responsible for it.

Those of you who are not as familiar with this Association as Dr. Beardsley and some of us are do not realize the important part that women play in law librarianship in the United States. I suppose the great majority of law librarians in the United States are women, and, of course, they do their work better than we men do—much better. I want also at this time to call your attention to the fact that we have a woman who—I had better not say it but I suspect it is true—really runs this Association, and she does it magnificently. I know she ran it when I was President and I suspect she is still doing it, and I hope she will do it for a long time to come. Miss Newman. [Applause.]

SECRETARY NEWMAN: Mr. McCarthy, Sir; Mr. Toastmaster, I am very grateful to you for your very kind and generous statements, but I must say that there are women who have been in the Association longer than I have and who have given distinguished service. Alice Magee and Olive Lathrop and Helen Moylan and Frances Lyon, and many others have done splendid work for all of us.

Some people have been kind enough to say that I am one of your younger members, but I am not that any more. I have been with you for a good many years and I have enjoyed the work, as you well know.

I must tell this about Mr. James: When we wrote to him and asked him to serve as Toastmaster at this dinner, with his usual retiring and modest spirit he wrote back and said: "Miss Newman, we must have some real orator in the Association who could act as Toastmaster."

I wrote back and said: "Mr. James, *you* are the orator of the Association." [Applause]

TOASTMASTER JAMES: That shows how a Secretary-Treasurer can pervert things to her own purposes. Well, let's have a little more of that perversion. I appreciated it very much, but I am afraid the assembled multitude may not.

The next speaker—I want to say a word to you about him—not much, because his biography in the Canadian “Who’s Who” is lamentably short, but it is very pithy, and that is my sole source of information. He is a soldier, a scholar, and being of the long robe myself I do not hesitate to say that above all those things he is a lawyer. He was called to the Bar in 1895. He has had a distinguished career at the Canadian Bar. He has handled important litigation in all the Courts of Canada and in the Privy Council. He is a Bencher of the Law Society of Upper Canada, and is now the Treasurer of that Society.

And I love that title of Treasurer! It thrills me when I go into the Middle Temple Hall and see those plates on the wall engraved with the arms of treasurers going back to the days when that Hall was new, in the reign of Queen Elizabeth. Treasurer, however, does not mean one who handles the filthy lucre. He is the one who rules the Inn, and I have no doubt that in Ontario he is the one who rules the Law Society of Upper Canada.

In addition to the distinctions which I have just mentioned, our illustrious speaker is also President of the Canadian Bar Association.

Gentlemen and Ladies: It gives me great pleasure and I have the very great honor to present to you Mr. D. L. McCarthy, worthy wearer of the silk and a bearer of the tradition which has been so finely kept in Canada—and I hope not without some distinction to the south of us—of the common law to which I have referred. Mr. McCarthy. [Applause, the assembly rising.]

HISTORY AND REMINISCENCES OF THE LAW SOCIETY OF UPPER CANADA

D. L. MCCARTHY, K.C.

*Treasurer of the Law Society of Upper Canada and
President of the Canadian Bar Association*

Mr. Toastmaster, Mr. President, Ladies and Gentlemen, I am very much embarrassed by my friend, the Toastmaster, for the distinguished titles which he has given me and the great honors which he has conferred upon me in introducing me to this distinguished assembly.

I must say that it is a great pleasure for me to be with you tonight. While the Chief Justice of Ontario had the privilege of welcoming you to the Province, I have not yet had the privilege of welcoming you to the Law Society, and as Treasurer of that body I now welcome you, although perhaps a little too late, coupled with the hope that some day when the skies are clearer and the clouds have blown away you may see fit to visit Toronto again, as I can assure you we appreciate your presence here. We have a great deal to learn from you and we delight in meeting our fellows from across the line. Whether they be in the legal profession or whether they belong to the Library Association, it is a delight for us to exchange views with them, to learn their point of view, to see our weaknesses, and to benefit by their experience, because, as a matter of fact, in

the course of my perambulations in the libraries in the United States I realize that you are much advanced in that science as compared with us. But, after all, ours has been a long struggle and a hard struggle, notwithstanding the Carswell Company. [Laughter] We are still doing our best under adverse circumstances and, as I say, we appreciate the hints that we get from you and are only too delighted to have you as our guests on this occasion.

Ladies and Gentlemen, I see that the subject that has been selected for me tonight to speak to you about is "The Legal Profession in Upper Canada." I think the Province of Upper Canada was probably abolished before I was born and I am just wondering whether it wasn't amiss to call upon me tonight and whether you did not want Sir William Mulock, who is now rejoicing in his 96th year and could perhaps tell you more about the legal profession of Upper Canada than I could tell you.

But I thought, rather than dwell on international subjects which are not very happy at the moment, if you will allow me—because you come here from different parts of the land to the south of us with whom we are on such good terms—I will tell you about our own Law Society in Ontario or Upper Canada, its beginning and its history, and perhaps something about some of those who have been distinguished men in the past.

The old rambling building that you wandered about in the other day has been the home of the Law Society for over one hundred years. The first meeting of the Benchers—and my friend Mr. James knows something about Benchers, I see—was held in Osgoode Hall on the 6th of February, 1832. The Society was then 35 years old. The Society was originally formed at the town of Newark, which is now Niagara-on-the-Lake, 35 years before that at a meeting of some immigrants, I suppose we would call them in those days, who had migrated from the Motherland and who decided to set up a Law Society. Among those who were there on that occasion was, I think, Mr. William Osgoode, who subsequently became Chief Justice of Upper Canada, and a man named John White who was the first Treasurer of the Benchers. I will tell you something about him later.

Well the organization meeting took place there and for years they held their annual meetings, first in one hall and then in another hall, and finally about 28 years later they became incorporated—not fully incorporated because the incorporation which was then by the Province of Upper Canada did not entitle them to hold lands. Later on they became fully incorporated and decided that it was time they found a home for themselves. The six acres which you visited on Wednesday last were the six acres which were originally purchased by the Law Society of Upper Canada just three years before the building was built. As I say, that has been the home of the Society ever since and I hope will long remain so.

The annual outlay which the Society appropriated at that time for the land and buildings was not to exceed 3,000 pounds. The first building that was erected was the building on the east wing which perhaps some of you remember are the Benchers' quarters, where you see our Convocation Room, our Benchers'

Library and our Benchers' Dining Room. It was a comparatively small building at that time but, apparently, sufficient for the purpose. Later on the west wing was built, with a building connecting them of a very inferior structure. Later on the center portion was torn down and the middle portion which now forms our great Library was erected, and the Court Rooms behind were also built.

At that time the idea was that the Law Society should furnish the court rooms for the King's Bench, the Common Pleas and the Chancery divisions because those were the divisions of our courts at that time. But that was found to be too great a burden, and subsequently the Provincial Government took over the middle portion of the building and the west wing, reserving for us the use of the Library. And so they are now the owners of the middle building and the west wing, with the Law Society owning the east wing and all the grounds, and there is a provision in the grant which forbids the Provincial Government from ever building anything more on that ground except with our permission and for the purpose of providing courts for the public.

Now, as I say, Osgoode Hall is the home of the Law Society. It is the home of the Appellate Courts. Every county in Ontario, as you probably know, has its own courts. In the County of York the courts are held at the City Hall. While some of you may have seen a trial in progress on the day you visited Osgoode Hall, that court really had no right to sit there. Because it was a court of assize—a criminal trial before a single Judge—it had no right to be tried there at all, but, owing to its importance and the length of time it occupied, permission was given by the Benchers of the Law Society and the Attorney General to allow them to hold that particular trial at Osgoode Hall. But, as a rule, the only courts that are held in Osgoode Hall are what we call our Single Court which sits from day to day, and the Appellate Court and the Bankruptcy Court, and a few courts like that, which are the Provincial Courts as distinguished from the County Courts. That, in short, is the structure of our Courts and, as you see, Osgoode Hall and the Law Society are the governing body of lawyers in Ontario.

Now let me say just a word in regard to our system because it may interest you in some respects. As Mr. James knows, we are framed on the model of the Inns of Court in England. When the Benchers met at Newark 135 or 150 years ago, they elected a Treasurer. That Treasurer was Mr. John White, and I think I am the fortieth Treasurer in line of succession since Mr. John White's time. The Benchers are elected every five years, and the Benchers from their number elect a Treasurer who may sit for an unlimited time, but there is usually a rule that he vacates the office every third year. There have been Benchers, notably, the Honorable Edward Blake and others, who have occupied that position for a very, very much longer time; but, as I say, as a rule it is vacated because the honor passes on and also the work.

Then the Benchers in turn are the Governors of the Society. They admit people to the Society; they educate the students who come to the Society; they confer upon them the degree of Barrister-at-Law; and they watch over their career during the rest of their time as members of the Society. That is, we have in the first place a Legal Education Committee which takes care of the legal

education of the students during their term of office. We have a Discipline Committee which looks after their morals after they have joined the Society to see that they behave themselves properly, and a Convocation Committee that has power to disbar people or discipline people that the Discipline Committee, after the result of their investigations, think should be disciplined or disbarred.

So the whole Society is in our control. We determine who shall be members after investigating their credentials. We look after their education. We call them to the Bar, and if necessary we dismiss them from the Bar. So the matter is in the entire control of the Law Society—and always has been since the Society started many years ago—and nobody else in this Province can confer the degree of Barrister-at-Law except the Law Society of Upper Canada.

I was going to tell you about John White. John White was, apparently, an interesting Englishman who came out at the time William Osgoode came out—who was a member of Williams Inn. He was afterwards Sir William Osgoode and was made Chief Justice of Upper Canada, which position he occupied for two years. But John White was the first, and I think only member or Bencher of the Law Society who was killed in a duel.

The story goes that in the early days he had made some uncomplimentary remarks about a young lady and he was promptly challenged by another member of the Society. A duel was fought and John White was killed. So he occupied the position of Treasurer for the shortest time on record. No one has had that distinction since, but I still have a year to go! He was buried on a farm two miles north of where Osgoode Hall is today, but as the city grew and the farm gradually became embraced within the city limits, an old solicitor named Mr. Clark Gamble, who read the incident, rescued his remains from the farm, and took them to St. James cemetery, and you will there find a tombstone with the inscription: "To the memory of John White, the first Treasurer of the Law Society of Upper Canada."

John White wrote a most interesting diary. The only person I know that has ever seen it—and he pretends now he did not see it—is Mr. Justice Riddell, who, in a book in which he wrote on the Law Society of Upper Canada some years ago, claims to have seen John White's diary and that John White was a great character. I have been trying in my term of office to wrest that diary from somewhere, but I have never been successful in finding it and Mr. Justice Riddell tells me it is a mistake; that he never saw it.

Ladies and gentlemen, so much for the Law Society, and it is late in the evening and I do not want to bore you.

Mr. James has reminded me of the Inns of Court in England and of the Middle Temple. Perhaps he had the same experience as I had. Perhaps he has not told you of some of the incidents of those old Inns which are much more interesting than ours. I remember the first time I dined at the Middle Temple. It was with dear old Sir Robert Finlay who was a great friend of my father in his day, and I remember that Mr. Tilley, one of the leaders of our Bar today, was with us.

After we had marched through the great hall in solemn state and had had a magnificent dinner which nearly killed us, we were subsequently taken back to the Benchers' Room. I shall never forget the Benchers' Room, nor shall I ever forget the tankards of Port or Madeira that slid around the table. I think they slid. Perhaps they were on wheels.

I remember I was sitting beside an old Irish Barrister named McCall, and the Toastmaster from the end of the table got up to propose the toasts. They only drink three toasts at the Benchers' meeting. One is to the King, the other is to absent friends, and perhaps you remember the other, Mr. James—I do not. I remember that as they proposed the King's health I began to rise from my chair. Mr. McCall promptly pushed me down. He said: "I see you haven't been here before."

I admitted that I had not. So after the toast was drunk sitting, he explained to me that there were two classes of His Majesty's subjects that were never called upon to rise when the King's health was drunk: one was the Benchers of the Middle Temple; the other class, the officers on a ship. The reason his officers could not rise was because they could not stand up in the ward rooms of the old days. It was the same reason that the Benchers could not, but not for the same cause! [Laughter.]

He took me over and showed me a book in the corner of the room where one of the Georges in very uncertain writing had written, exempting all the Benchers from ever rising when the King's health was drunk because when they drank his health all of the Benchers were under the table and they could not rise. [Laughter.]

We have never experienced those good times in the Law Society of Upper Canada. Perhaps they come with age, but I have often thought that some day I would write to "Information Please!" and ask him if he could tell me the two classes of His Majesty's subjects who never rose when the King's health was being drunk. Perhaps some day you will.

Now ladies and gentlemen, I do not know whether one looks back and thinks that the giants of the past were greater than our giants of the present, but I look back to my young days when I was first called to the Bar and I think of what we looked upon as the giants of the profession in those days. Whether perhaps I minimize my associates at the present day or not, I do not know, but I well remember when I first became a barrister I joined the firm of which my father was the head. It was the old firm of McCarthy, Osler, Hoskin & Creelman.

Mr. Osler, my father's partner, was the elder brother of Sir William Osler who is very well known to you as a famous physician at Johns Hopkins University. The Oslers were all a famous family. My father's family came out years ago from Ireland and settled in the little town of Barrie. The Oslers came out and settled at Bond Head, which is not very far away. They all became famous in history, as far as legal history is concerned, and great stories and amusing stories were told of them in those days.

I remember some years ago Lord Maugham (he wasn't Lord Maugham then) speaking at the meeting of the Canadian Bar Association in this hotel.

and describing lawyers as the guardians of civilization. Well, civilization is being ravaged today, and if ever civilization needed guardians it never needed them more than it does at this very moment. So, if lawyers in your country and in this country are the guardians of civilization, it is time that they girded on their swords and protected that civilization which today is being tortured and ravaged.

Now, Mr. President, the hour is getting late and you have been very patient with me. I want again to assure you of my appreciation of your asking me to address you tonight. I am sorry that my address was long and stupid and tiresome, but, as I said, I had to keep off political subjects, international subjects, and God knows you did not want to hear me talk law!

So I thought if you would all carry home the happy memories of Osgoode Hall and Toronto that I have of your visit, that when you get back to your places and remember that you have seen that queer, rambling, old building which has been our home for 110 years and which we are all proud of and fond of, perhaps some day you may say: "Well, we liked Osgoode Hall. We liked Toronto. What do you say that we go back there next year?" I can assure you, ladies and gentlemen, if you do you will be warmly welcomed and nobody has been here that has given us more delight. The charming ladies you have brought with you have charmed us. We have welcomed you. We have been delighted to meet you. If you are looking for a place to meet again, do not forget Osgoode Hall and Toronto. [Prolonged applause.]

TOASTMASTER JAMES: I am sure I express the sentiment of everyone here that we would like to hear Mr. McCarthy talk about anything. [Applause.] We have enjoyed a most delightful discourse.

I do not know, but I have an idea that the practice of the Law Society of Upper Canada which differs from the practice of the Benchers in the Middle Temple may perhaps be the result of a self denying ordinance which I understand was once passed in the reign of Mr. Chief Justice Marshall by the Supreme Court of the United States, to wit, "That the Court shall not drink during consultation except in rainy weather." [Laughter.] The story goes on to say—I have no doubt it is perfectly authentic—that on one bright, sunny day Mr. Chief Justice Marshall went to the window and looked out, and he said "Brethren, our jurisdiction is very wide. Surely it must be raining somewhere!" [Laughter.]

Well, there is one thing I know and I believe thoroughly: that they do just as well here at Osgoode Hall as they do in the Middle Temple. They are the most courteous people over there in the Middle Temple, and I am sure they are here.

I remember one day back in 1914—that seems like remote antiquity somehow or other, but it was during the time of the suffragette agitation and Mrs. James was on her first visit to England. I said: "You've got to see the magnificent Hall of the Middle Temple. Being a lawyer, I am not going to take you back home until you have seen that."

So we went over there, and the guardian of the portal—with his high hat

with the cockade in it, and braided coat—stopped us and said: "I'm sorry, but the lady cannot go in. You, Sir, can go in."

"But," I said, "I have been in. I want the lady to see it."

"I am sorry. The rules are strict that no ladies are to be permitted within the Hall. These suffragettes are causing us a lot of trouble."

"But," I said, "we have come all the way from America and I want her to see this Hall."

"Well," he said, "I'll tell you what you do. I see Mr. Montague Smith, K.C., coming down the walk. You go over there about ten feet and you yell at me and say you cannot understand why such a foolish rule is being put into force. See what happens."

I did it! I went over and I yelled, and Mr. Montague Smith, K.C., stopped and he said: "Humph! humph! What's going on here?"

I said: "They won't allow me to take my wife into the Hall. I'm an American lawyer and I want her to see this great monument."

He said: "Come on! Come on! Nothing easier." So she sailed into the Hall under the protection of a Bencher. No damage was done to the Hall and she got quite a thrill, I am sure. So I am convinced that that is one practice in the Middle Temple which would be followed at Osgoode Hall.

Well, we have heard this delightful address, and Mr. McCarthy, we are very deeply grateful to you for your kindness in coming to us and talking to us so interestingly about the old days at the Bar of Upper Canada.

It has been the custom at these dinners; it is a tradition, a good bit like the tradition which was established at a midwestern college by a notice that "After two o'clock it will be the tradition of this college that freshmen shall not walk on the grass;" but, nevertheless, it is a tradition, and I hope we are going to keep it up, to have the incoming President give us a word of assurance that he is going to give us his full devotion and all that sort of thing during his term of office.

I feel as though I ought to say something disagreeable about him. I think really I ought to do it because he said something about me that I deeply resented. Down in Kentucky where John Vance and I came from we could do a lot of things, but up here in civilized Ontario there is nothing I can do about it, except to say that he is a good fellow and we are awfully glad he is going to be President this next year.

Mr. Morse, won't you say a word? [Applause.]

PRESIDENT-ELECT MORSE: Mr. McCarthy, Mr. Toastmaster, Ladies and Gentlemen: In due deference to our Toastmaster I would like to add a little more to what he has said. I did not, of course, mean it with the connotation that he understood the other day when I said, that now that we were in Canada perhaps we could refer to him as King James. [Laughter.] I tried to make him understand in what great respect we hold him and we do not consider him as antique.

We were having a grand time up here tonight until the middle of the dinner when Mrs. James turned to me and said: "Look down the table!"

I looked down the table and I saw the Toastmaster fumbling over a bundle of papers, and Dr. Beardsley was fumbling over his notes. She said: "I just reminded Mr. McCarthy that he has to give a speech." We talked a while and then she said: "By the way, do you have to give a speech?"

I said: "No, No! Nothing like that! I just have to give a few remarks."

I suppose the first thing as incoming President is the consideration of ideas. It reminds me of a story regarding ideas I once heard about two Irishmen. One thought he had something pretty good. He said to the other one: "Do you know, I have a new way of making holy water."

The other Irishman looked at him in consternation and said: "What do you mean?"

He said: "Well, I really have a new idea and I think there is something in it."

"What is it?"

"Don't you know the best way to make holy water is just to boil hell out of it?" [Laughter.]

I wonder if you all get the same thrill that I do in coming to Toronto. This is my first visit and Osgoode Hall has been really a revelation to me. I have heard of Osgoode Hall, of course, and the Law Society of Upper Canada, but it did not mean much to me. We think in terms of bar associations and our own courthouses and all, but when we come up here and see Osgoode Hall and the keepers of Osgoode Hall and the lawyers in their gowns and their magnificent quarters, it really means something.

I was greatly impressed, and there was one man there in particular who impressed me. He was one of the first ones to say "Good morning!" I noticed he was at our opening session, and some of us happened to wander into a courtroom which was in session, and there was Mr. McCarthy in court! Today he mentioned that that case had been concluded finally, after 42 days of trial, I believe. Imagine a person as vigorous as Mr. McCarthy is this evening, after spending 42 days in active combat, and the ease with which he welcomed us and paid attention to all of his duties along with carrying on this very important case, as he did the other day.

I appreciate the honor that you have given me and I hope that I will be worthy of your cooperation. I know that it will be continued. I have always had cooperation from all of you, and I do hope that we can accomplish much this year.

I think that it would be fitting at this time to pause in memory of two of our members. I speak of Ophelia Strickland and Fred Holland who were very close to us as friends and members of our Association and who would be with us this evening except that they have gone. I think that it would be fitting if we stood a moment in tribute to them. Will you rise, please? [The assembly arose and stood for a moment with bowed heads in tribute to the departed members.]

Thank you.

MR. MCCARTHY: If I may be the Toastmaster for a moment, I want the

Canadians who are here to drink the health of the American Association of Law Libraries. A toast to the American Association of Law Libraries! [Applause.]

TOASTMASTER JAMES: Now, as Manley Hudson always insisted it ought to be, all the United Statesers here get up. Here's to our hosts—the Law Society of Upper Canada, the Carswell Company and the Canada Law Book Company. [Applause.]

I want to say just one word to our Canadian hosts. We have been deeply touched by your hospitality. We shall go from here on our various ways tomorrow bearing with us the happiest memories of your generous and friendly treatment of us. We deeply thank all of you.

The business having been concluded, there is nothing to do but to adjourn the meeting. Let us rise and depart. [Applause.]

SATURDAY MORNING SESSION

June 29, 1940

The meeting was called to order at eleven-thirty o'clock by President Beardsley.

PRESIDENT BEARDSLEY: At this morning's session we shall have our second session of the Law Library Institute. We have a very novel and, I think, rather unique subject for discussion in the form of a Question Box. I hope you have all submitted questions on which you would like to have some answers and discussion. If you haven't, I presume it would not be too late to submit them from the floor. If this plan is successful, we may sometime have another Question Box, or we may even enter in the JOURNAL a column along this line. It has been suggested that we do both.

So I am going to turn the meeting over now to Miss Frances Lyon, who is more than qualified, I think, to answer any of our questions, and who will preside at this session this morning.

CHAIRMAN LYON: Mr. President and Members of the Association: I did not understand that role of mine. I am just going to ask the questions and try and stimulate discussion.

As the President has said, this is really an extension of the Law Library Institute feature with this idea of an "Information Please" session. I have received a few questions, some of which have already been printed in the JOURNAL. I will propound these questions and, as it is stated here in the JOURNAL, "there will then be an open discussion where librarians may propound other questions on details of library administration, cataloging, etc., and receive answers from their colleagues in attendance at the meeting." So I will proceed at once to give you these questions just as they come along here.

The first one is this: *How are Code Commissioners' Reports arranged, directly after the Code itself or in a separate file with all reports in chronological order, or in some other way?*

That question is now before you. I will start answering this just to get

things going along. Code Commissioners' Reports are arranged in the library I represent, the New York State Library, on the shelves preceding the revision itself. It seems to me that is the logical arrangement because your Report is presented first to the legislative body, usually also containing a draft of the proposed revision which may or may not be acted upon by the legislature. Therefore, it seems to me that the Code Commissioners' Reports should precede the Code or the revision as to shelving.

MR. MORRISON: May I ask whether there is a check list of Code Commissioners' Reports available? I know so little about them that I would like to know more.

CHAIRMAN LYON: Do you refer to any particular state?

MR. MORRISON: A check list of all available Code Commissioners' Reports.

CHAIRMAN LYON: I can only refer to New York State. We have several lists. I do not know how complete they are. Mr. Morse, of Cornell, and I have been talking over the need for some sort of bibliography or check list of all of our Code Commissioners' Reports because in New York we have Codes extending over many years, beginning with the Report of the Revisers from 1827 to 1828 which preceded our Revised Statutes of 1829. Afterwards we had numerous Commissioners appointed to revise the Practice Act, etc.

PRESIDENT BEARDSLEY: Do you know, Miss Lyon, whether the list of Code Commissioners' Reports in the Massachusetts Hand List and also in Macdonald's check list is complete or correct?

CHAIRMAN LYON: I do not think it is complete for our state.

PRESIDENT BEARDSLEY: It is probably not so for other states then.

CHAIRMAN LYON: Is there any other comment on this question? If not, I will proceed to the second question submitted: *What is the best way to shelve Congressional Hearings when only selected hearings are bought by the library?*

PRESIDENT BEARDSLEY: I will say that as far as the University of Washington is concerned we treat them and classify them under particular subject matter and shelve them as treatises and texts would be classified. Of course, we have a very limited number of them because we do not get them in special subjects.

MISS KILBOURN: We follow the same plan as Mr. Beardsley. We purchase only those that we are particularly interested in because the university library has the larger collection.

MR. HILL: We put them under U. S. Miscellaneous, under subject matter.

CHAIRMAN LYON: So much for that. Here is question No. 3: *How do law libraries obtain the various state and federal documents which they receive, such as congressional hearings, government reports, state attorney general reports, etc.? If they use the monthly catalog of government documents and the monthly check list of state documents, how do they overcome the handicap of having these so far behind at the time they are received? Secondly, what means do they use to follow up requests for these documents once they have been made and when the same have not been received within a reasonable period of time? Thirdly, do they use form letters, etc.?*

I will re-read the first part. [Re-reads first question.]

MR. JOHNSTON: For the Chicago Law Institute I will say that we use the monthly publication from the government. We write directly to the public printers and tell them what we would like and to send it on at once and charge it to our account. Our experience has been that we always get it if it is ready. If it is not ready we generally get a letter back stating why and when it will be ready.

I do not check as carefully, perhaps, as some of you, all of the state documents. Most of them are not worth having anyway, I imagine. I will say that any state report is all right for a given state where you have to live—certainly you want it—but there is a great deal of material that never would be of any particular interest to the members of the Chicago Law Institute and we do not make an unusual effort to get it. If it is called to our attention, either through some check list or otherwise, or somebody says, "Here, we want it," the first thing we do is to drop everything that we are doing and send for it at once. If the other end is prompt, we get it.

CHAIRMAN LYON: There are certain libraries that are specified as depository libraries, too, of course. They get everything.

MISS LATHROP: They would be very slow to get them.

CHAIRMAN LYON: I know, because our library happens to be a depository library.

MISS KILBOURN: I was just going to remind the members of the Association of the weekly government price list which is a good thing to check if you are following hearings because you can know of them immediately before the supply is gone.

PRESIDENT BEARDSLEY: Do you find that the weekly lists and the monthly lists integrate very well? Isn't there quite a good deal of difference between them?

MISS KILBOURN: A good deal is repeated, of course, in the monthly list, but I think if you wait for the monthly list sometimes the material is gone before you can ask for it.

PRESIDENT BEARDSLEY: Do you think all publications are shown in the weekly list? In other words, four weekly lists would not make a monthly list.

MISS KILBOURN: That is true. I think for hearings, particularly, that you are anxious to get as quickly as possible, the weekly list is the best place to check.

PRESIDENT BEARDSLEY: I am very much interested in this question. Also, I am rather interested to know whether it is possible to obtain these through any service bureau or dealer. We find it very difficult and almost impossible to keep a deposit with the Superintendent of Documents. That is something which the University of Washington will not let us do.

MR. JOHNSTON: You had better change your rules.

PRESIDENT BEARDSLEY: I cannot get the University to advance the money. If they are free, of course, we might get them from the Superintendent of Documents, but usually we have to use the influence of Senators and Representatives.

Do you know if any dealer in Washington, for example, will undertake to supply these things for you from month to month by merely submitting a list of the ones which you want?

MISS MOYLAN: The National Law Book Company at Washington will do that. They send out circulars to that effect. For instance, we have been getting the Federal Code of Regulations through them rather than through the Superintendent of Documents because I find that their service is faster.

PRESIDENT BEARDSLEY: I have had some dealings with the National Law Book Company at Washington but I have never tried them on this question of hearings. It seems we have quite a problem in the question of these public documents.

MR. HILL: Miss Moylan is correct in that. Mr. Jones of the National Law Book Company is attempting to do that. How successful he has been I do not know.

PRESIDENT BEARDSLEY: There is another part of that question upon which I would like advice if some of you can contribute anything from your own experience. I think we all use the monthly check lists for both the state and federal governments. We use a form letter a great deal of the time in making requests for these items to avoid having to write a separate letter each time. Of course, on a lot of them we never get replies. That is probably because of the form letter, or maybe because they do not want to be bothered by librarians writing to them all the time for these documents.

MR. JOHNSTON: Where is the delay: federal or state?

PRESIDENT BEARDSLEY: I have more delay in the state than I do in the federal.

MR. JAMES: Mr. President, let me suggest that you put a postcard inside your letter addressed to you, with the questions you wish to have answered written on the back, these questions being so phrased that they can be answered "yes" or "no." You will get a one hundred per cent reply.

PRESIDENT BEARDSLEY: That is what I am interested in knowing. Thanks!

CHAIRMAN LYON: I would like to explain right here about my own library. I notice in letters that I get that there seems to be some confusion. The State Law Library in Albany does not handle documents at all. When our library was reestablished after the fire in 1911 we made a clear-cut division, and the Law Library contains only those things which are law; that is, after a bill has been enacted into law. Our Legislative Reference Library, otherwise known as the Document Library, contains everything that precedes the law, with the exception, of course, of Code Commissioners' Reports, and we do find it necessary to keep a set of the Attorneys General Reports for New York and also for the United States.

We are in difficulties at the present time because of these numerous administrative regulations. I wish someone had put in a question on how various libraries all over the country are handling this vast amount of administrative, so-called, law that is coming out constantly, because that is one of the great public questions before us today in this country, as you know.

I merely wanted to make it clear about the State Law Library in Albany because I often get letters asking about documents, etc., and I do not pretend to know anything about documents.

MISS LATHROP: I would like to ask how many libraries—particularly how many bar libraries or smaller law libraries—are buying all of this new Code of Federal Regulations; the whole series? You know it is being put out now under the titles of the U. S. Code, taking the place of the Federal Register. After we have bought these volumes of the Federal Register, I understand the new Code is to go back and cover all the material that is in the bound volumes of the Federal Register. Of course, I assume that Mr. Poole's library would have them all. I, myself, have not felt that in Detroit we will need the regulations on Agriculture, for instance, or the regulations on certain parts of Commerce with which in an industrial city we do not directly come in contact.

MR. BAXTER: They cost only about \$2.75 for each Code.

MISS LATHROP: Later on they are to be reissued in another form, so what you are really paying for now you are going to have to pay for again.

MR. BAXTER: That may be so, but when we have them now they are subject to use, which might not be true later on.

PRESIDENT BEARDSLEY: I am interested in your statement that they are to be published later on. I did not understand that. I understood that they are now in bound volumes.

MR. BAXTER: Those are the ones I am speaking of. We are getting the bound volumes.

MISS LATHROP: You can also get those regulations from the various departments free of charge. They are issuing them as taken out of the Code in relation to each one of the bureaus and departments.

MR. HARRY C. SHRIVER (Law Library of Congress, Washington, D. C.): I am not so sure that you get all of them that way.

MISS LATHROP: You would not be sure you are getting them all, but you would get some of them.

MR. SHRIVER: But they are only covering particular subjects of that particular department.

MR. DUE: In the Connecticut State Library we have to have all of those regulations because we have so many insurance companies in our state.

CHAIRMAN LYON: Mr. Vance, will you speak to us in regard to this vast amount of administrative law and regulations that is coming from your City of Washington. Some of our libraries are overwhelmed with this material. It is very difficult to know how to arrange it, and after you arrange it how to find it.

MR. VANCE: I cannot cast so much light on it because I am from Washington. We are not supposed to know anything about it down there. We get all of it. It comes automatically from the library. Mr. Childs, who is a very experienced librarian, takes charge of documents in the library, gathers it in and turns it over to us. As to how it is used there I do not know because so much of it comes in that I cannot keep track of it.

As you say, you can get the material from the departments, and a great many people do. I do not think there is any end to it. I assure you, you are going to get more and more as time goes on.

MR. JAMES: We have been bothered with that material for years. We have never had a satisfactory arrangement. Of course, our problems, I suppose, are somewhat different from those of the bar library. This material is constantly used in our library. Every third-year man has to write a paper and most of those papers are written in the field of what we call administrative law. I do not call it so-called law.

We have had the assistance in the library of Dean Landis who, of course, is familiar with this sort of material, and last year we began to formulate a scheme, trying it out on the shelves. I do not know whether the scheme on which we are operating now, which is after all experimental, will ultimately be satisfactory. I know we have gathered together the material under certain subject headings. If a student is writing on a labor problem, we have endeavored to gather together both the state and federal material in one place, and so on, roughly speaking, throughout the whole. We are even putting Attorneys General Reports there. Not that they are logically there as I do not regard them as administrative law. You can regard them from several standpoints. They might be legislative material; that is, preliminary to the passage of an act, or in other ways. But we find it is more convenient for the student to have access to that material in the same place that he is getting the other.

That might not be a satisfactory arrangement for other libraries. Of course, I am not a profound believer in logic. As "the life of the law has not been logic: it has been experience," so the life of the library has not been logic, but experience. We are working this thing out from the standpoint of our own particular needs. Sometime or other, if we ever get it done, it might be useful for other librarians to know what we are doing. They probably would not want to follow our scheme, but it is always useful to know what someone else is doing.

I am sorry I cannot give you anything very definite because, in the first place, I do not know it in detail, and in the second place it is still a very tentative scheme with us. It may stand very much as it is now and we may make very radical changes. It depends on experience: what we find is the easiest for the student to get material directly and quickly in the field in which he happens to be working. We are not ready yet to publish the arrangement which we have but we may be in a year or so.

MR. VANCE: I suggest you ask Mr. Shriver as to how we handle it in our library.

MR. SHRIVER: The pamphlets containing regulations, as I recall, are classified in the Library of Congress, according to subject matter.

I think perhaps this question could be cleared up a little bit by noting that the rules and regulations of the various government departments as they are promulgated now will be found in the Federal Register and that the Code of Federal Regulations will contain all the existing rules and regulations, I believe,

up until June 1938. Then they have a volume scheduled for publication from that date to the end of the year 1938. After that the Code of Federal Regulations is to be kept up to date by annual volumes. The rules and regulations, of course, are arranged under titles and sections in the Code of Federal Regulations.

The Code of Federal Regulations, as I have said, will contain all the existing rules and regulations, and the annual volumes will codify the rules and regulations which are now being published in the Federal Register. They will contain all the material in the Federal Register, except the notices and orders. So for that reason both publications are of importance; that is, the current issues of the Federal Register as well as the Code of Federal Regulations.

MISS LATHROP: Are they going to continue to put out in bound form the Federal Register?

MR. SHRIVER: I spoke to members of the staff at the Archives and they told me that they have discontinued the publication of the bound volumes of the Federal Register. If the libraries want to keep the numbers they will probably have to bind them themselves.

MISS LATHROP: That leaves you with this unfinished file.

MR. SHRIVER: That is right. There is one other matter along this line that I might mention. It is a little remote, perhaps, from the library angle but might be of importance, particularly to lawyers. It has been brought to my attention that all the rules and regulations of the various agencies are to be published if they have legal effect, and at the present time it is a little bit doubtful if some of them that are submitted to the Archives for the publication come within that category, so perhaps the law may be amended before very long setting up a board in the Archives to determine just what rules and regulations have legal effect.

MR. JAMES: Apropos of what Miss Lathrop has said, I think it is a tremendous mistake for those who are getting out the Federal Register to discontinue the publication of bound volumes. It works a serious inconvenience to us, and probably in other libraries. The Federal Register is heavily used among us and the numbers disappear. Formerly it did not make any difference because we always knew we would get the bound volume, but I have had to skirmish around recently and get odd numbers which I had to buy from Sam Banks because I could not get them from any other source. He picked them up in various offices.

I wonder, if those of you who are here agree with me, whether we could not voice our disapproval—if that isn't too serious a word to use—of the announced policy of the Archives in refusing or declining to publish any more bound volumes. I think it would be a tremendous convenience to all of us if we could have bound volumes. I do not see any advantage in discontinuing. What do you think about it, Mr. Shriver?

MR. SHRIVER: I think that is quite right.

MR. JAMES: I think it is a very short-sighted and anti-public policy thing for them to have done. They have done it, of course, in the utmost good faith and I do not know their reasons for doing it, but certainly it is inconvenient.

PRESIDENT BEARDSLEY: Would you care to submit a resolution, Mr. James?

MR. JAMES: If that isn't thought objectionable, I should like very much to move the adoption of a resolution somewhat in this form: that it is the sense of the American Association of Law Libraries that the discontinuance of the bound volumes of the Federal Register is inconvenient to libraries and that, if possible, the authorities in control of the Federal Register be requested to resume the issuance of bound volumes.

[The motion was seconded by Mr. Register, the question was called for, and the motion was voted upon and carried.]

MR. JAMES: I supplement that with the instructions to the Secretary to communicate such a resolution to the authorities.

CHAIRMAN LYON: Is there anything further on this subject of the handling of administrative laws and regulations? If not, we will proceed to the next question: "*What do other libraries do about saving or discarding cumulative supplements to statutes? Do they save the annual pocket parts for such sets as McKinney's Annotated New York Laws and the United States Code Annotated, or do they discard them?*" The reason this problem occurs to me is because we have all built up large collections of early editions of codes and supplements on the theory that it is sometimes necessary to know the law at a given time in any jurisdiction without having to consult the session laws. If, for example, we throw away the annual supplements to the U.S.C.A., what we have left is the Code as it was originally issued plus the way it stands during the current year. All the intervening changes which may have been made between 1925 and 1939 are gone. On the other hand, we will certainly be burdened with an overwhelming mass of material, much of it of little value because so large a part of the annotated statutes is devoted to digests of cases, if we attempt to save everything of this nature. I should like to know what the practice of other libraries is in regard to this material."

This is a published question submitted by Miss Moylan. If Miss Moylan is here, perhaps she will lead off on this discussion.

MISS MOYLAN: I sent in the question because I wanted information. I do not know what to do. I have been saving them lately with the hope that I was going to be able to talk with some people who had adopted a definite policy. I should very much like to hear if there are libraries that do save them. Didn't you tell me, Dr. Beardsley, that you did, and bound them up?

PRESIDENT BEARDSLEY: Yes. We have found it absolutely necessary to keep that material. A question came to us one time where we had occasion to go back and dig up the material which appeared in one pocket supplement which had been changed in a subsequent session of the legislature so that it never got into the bound volume of the code. Fortunately, we had saved those pocket parts. Take, for example, our Remington Revised Statutes, we bind up the annual pocket parts in very cheap binding, notwithstanding the fact that they do contain for the most part the digest of cases. We do omit the pocket parts for the even years because that is nothing but the edition of the additional material of cases and bind up only the odd years when we have legislative sessions. But we

found it necessary to do that. We keep also the pocket parts for the U.S.C.A. I have not bound them yet but I have them in boxes. We do that for practically all those codes for which we receive pocket part supplements. I think it is the safest policy, although truly it is a problem.

MR. DRUKER: Isn't it possible by checking the historical section of the latest code to consult your session laws and construct the statute as it would have appeared at that particular time?

PRESIDENT BEARDSLEY: You might go several years without having a bound supplement or new revision.

MR. DRUKER: Then, of course, you will have to consult the session laws. We consult the statute-at-large for the way the law appeared at the time. Sometimes we have to do the editing and write it down as it ought to read. Our policy is to throw away the supplements.

MR. DUE: Our policy is to keep them all because we have occasions when the insurance companies come around and want duplicates. We let them have them just to take out and keep them.

CHAIRMAN LYON: We follow that practice in our library. The pocket parts are useful for circulation, especially a supplement that contains an entirely new law or something of that sort.

MR. JOHNSTON: In the Chicago Law Institute I think we throw away nearly all of our supplements just as soon as we can. We can throw them away as soon as bound volumes come out. Take the advance sheets, for instance, of Illinois Appellate Reports, we do not keep them; in fact, the other fellows carry them away and we have to keep them up at the desk until the bound volume comes.

When it comes to session laws in Illinois, we get out a session law once in two years. If we have a special session, that is gotten out. I say "we"—it is gotten out by the Secretary of State and we get three copies. If there is a supplement, that is bound and we get that promptly. And I mean promptly; it is not very late. In the meantime before it actually gets out if we have got to have a few pages of law, we send to the Secretary of State and get it at once.

For other states I do not think we are so very careful about it, but we keep all of our pocket parts, generally speaking, until the same thing appears in some sort of bound form. If it never is going to appear in bound form, I find that people just lift what they want out of the pocket parts and it may be there and it may not when you want it.

CHAIRMAN LYON: I do not know how most librarians feel but we are only too glad to get rid of material nowadays. The amount of accumulation is appalling.

MR. DRUKER: In regard to advance sheets, we are saving all of our advance sheets because we find it easy to mail an isolated case to an attorney. If he does not return the advance sheet it is a small loss and it saves postage.

PRESIDENT BEARDSLEY: Speaking of advance sheets, too, there is this problem that I know has happened in Washington that may not come to your attention in other jurisdictions: a case may appear in the advance sheets and before the case gets into the bound volume the court may modify its opinion.

MR. JOHNSTON: It should not be in the advance sheets then.

PRESIDENT BEARDSLEY: It does happen though, and it may be that for some reason they want to go back and pick up the original case. So we keep and bind one set of our advance sheets just for that purpose.

MR. SHRIVER: Occasionally the opinions may be withdrawn altogether.

MR. JOHNSTON: What is the use of keeping an opinion which is modified before the time for rehearing is past, and if the rehearing is allowed and the modified opinion is had, and if the opinion is entirely changed as sometimes happens? It may be a close case. We have seven Judges, and sometimes it is 4 to 3 or 5 to 2. Perhaps the minority have the better of the argument, and before we get through we discover, first, in the daily press and then later on through the advance sheets, that the opinion has been reversed. Then, of course, the other side has the right to ask for a rehearing. Once in our firm there were two rehearings. Fortunately, the supreme court decided rightly on the second rehearing. Then it was published.

CHAIRMAN LYON: Does anybody keep advance sheets for a certain number of years? Do you have a set time? [Professor James raised his hand.] We find that to advantage, too. We had great masses of advance sheets of New York Reports on our shelves and we were obliged to dispose of them as we did not have the room. So we set a definite date.

MR. JAMES: We keep them for five years. The use that is made of them chiefly is to turn them over to members of the faculty who are preparing new case books. They tear out cases and send them to the printer, and occasionally we found it useful where students in other parts of the University wanted copies of opinions. I do not ordinarily allow Reports to circulate outside the library to other libraries in the University, so we will gather the advance sheets and send them over and then they can throw them away. Of course, we are not very careful about throwing them away every five years, and they have accumulated for as long a period as fifteen years. Then we have a big cleaning-out. Those are the only purposes that I recall now that we ever use them for, but they are valuable for those purposes.

CHAIRMAN LYON: If there is no further comment on this question we will proceed to the next: "*What is the best practice relating to preservation of leather bindings?*" Several preservatives are on the market but they do not give a polish to the leather, and they are altogether too expensive."

A very enterprising gentleman saw that question in the LAW LIBRARY JOURNAL, so he wrote me. This is Joseph M. Mitchell, of Philadelphia, who says:

"In the course of my twenty years' experience handling old law libraries, I have had occasion to put to actual test many methods, including preserving formulas. Insofar as preservative formulas and dressings are concerned, I have tried them all for use on my books and, with one exception, none of them have ever satisfied us.

"This dressing within its limited scope is so effective for the purpose used that I think it should somehow be brought to the attention of the librarians at their meeting."

Mr. Mitchell wanted to send me four volumes to demonstrate this. I did not feel that that was necessary and wrote him to that effect, but I told him that I would read his letter to you.

MR. DRUKER: I saw that question in the JOURNAL. Some time ago I wrote to the U. S. Department of Agriculture and they sent me a leaflet, No. 69, which has a number of formulas in it. We did not try them all, but we did not like any of those we did try. We put two together and mixed a quantity of it and it has proved rather satisfactory. We have greased 4,000 volumes in the last six months at a cost of about six volumes for a penny, not counting the labor. We had W.P.A. help. It has proved very good on the old calf. It made it shine, and it is still shining after four months. The sheep has been renovated, although some sheep volumes are so dry that nothing can help them.

I asked the Carswell Company what they used, and they said they use a good quality saddle soap. The lawyers in Iowa apply saddle soap because they do not have to mix it. The base of our mixture is lanolin, Neatsfoot oil and Japan wax and we have our state chemist boil it down for us. We buy in quantity and the proportions that we have mixed are: 35 per cent, by weight, lanolin; 55 per cent, by weight, Neatsfoot oil; and 10 per cent, by weight, Japan wax.

There are about seven formulas in this agricultural bulletin. It seems to have been the result of a study by some of the experts there. Six books for a penny is rather cheap, I think.

CHAIRMAN LYON: If we only had good old Dr. Wire, from Worcester, here. You remember, he knew everything about all sorts of technical work. Is there anybody else who can contribute to this? Perhaps that pamphlet will cover the whole situation.

MR. DRUKER: I think it will. It tells you how to apply it and gives all directions. It is a very neat little pamphlet.

CHAIRMAN LYON: If there is nothing further on that we will proceed to the next question: "*What is the law library practice relative to binding the tax regulations of the Bureau of Internal Revenue?*" If they are bound, how are they bound? The problem is complicated by the fact that there are frequent editions of the same numbers; and sometimes a different subject matter for the same number."

PRESIDENT BEARDSLEY: That is one of my questions and I was prompted to ask it because I do not know what to do with them. You cannot get complete sets of them, if you have not started a good many years ago to accumulate them and save them. They are numbered, of course, in sequence; but, as I found out, from time to time—especially those that referred to the new income tax laws and other excise laws—they change, naturally, as the law changes but they keep the same number. If you bind them up in sequence by number, when a new revision comes out you are thrown out of your sequence. I have found, too, that occasionally they change the subject matter for the particular number. I suppose it could be bound individually, given a

number, and perhaps a date; but I wondered what was the practice. I started one time to bind them up and then made this discovery.

MISS LATHROP: I have tried to keep the complete file of the regulations of the Bureau of Internal Revenue because they are so very much used in our library. I wonder if I could let you into a little secret that we have discovered in Detroit. We save all of the loose leaf services that are not reproduced anywhere else, but when they are reproduced anywhere else we take out the contents and my assistants have discovered a paint which covers the gold lettering on the binder. I am assured by the Commerce Clearing House in Detroit that they have no objection to this procedure. We saw out one of the steel bands, which leaves three steel bands. We perforate these pamphlets—and that brings up a question that I thought I would like to ask sometime about what kind of punches you can get that are useful and that will make a hole large enough to carry these binders and make the pamphlets slip back and forth nicely in the loose leaf services.

At any rate, after we have painted these binders black, we letter the back of them—and I think this new Leroy system is going to be an answer to some of our difficulty—and we put them on the shelves. We have maybe a hundred of those binders on our shelves with all kinds of advance sheet material and regulations and bulletins from the Department of Justice on the civil rules, and in many, many ways we use every one of those binders. We never let a binder get away from us in any form. They are so that you can take your regulations out and change them. Most of the government material has a wide enough margin so that you can put these perforations in them without destroying the pamphlet.

MR. DUE: We bind them up complete, and then bind the cumulative bulletin complete. It seems to work out quite satisfactorily as far as we are concerned. We use them quite a good deal.

PRESIDENT BEARDSLEY: The suggestion Miss Lathrop makes is a suitable suggestion to follow. Obviously, you cannot bind them all in bound volumes and take care of the supplements as they come out without breaking your sequence or without lettering the volumes.

CHAIRMAN LYON: Here is a question: "*In New York there are several editions of the New York Chancery and Common Law Reports. Should a library keep all of them, the first only or the latest? Are any of them better than the others? If so, how are we to know which are preferred, other than what is told us in Soule or Wallace?*"

I speak for our library. Naturally, being a state library in New York State, we keep all of those old reports. I must confess they are not referred to so very much any more; but if you need them, you need them. You often do get a citation to the Chancery Reports, and New York State Library keeps every one of these Reports. As to which is the better of the Common Law Reports, I confess that I cannot answer that question. The same goes for Chancery.

PRESIDENT BEARDSLEY: It is my question and the thought I had in mind

is this: In some of the Reporters you will have three or four editions: first edition, second, third and fourth edition. For practical purposes, is it desirable that we keep all four editions?

CHAIRMAN LYON: They have several editions of Wendell. If I could get hold of the first edition of Wendell I would keep it on our shelves.

PRESIDENT BEARDSLEY: For practical purposes, should every library keep every edition of these New York Law Reports?

MR. HILL: We would keep all the editions.

MR. POOLE: Yes.

CHAIRMAN LYON: We would too in our library, but I suppose somebody outside New York should speak on this question because naturally a large New York library would keep all the editions.

MR. MORSE: May I ask if there is any distinction in these editions other than a new printing? I understand them to be merely a new printing.

CHAIRMAN LYON: That is what I understand of those old Reports, too. I think they were a new printing with a title page dated at that time.

PRESIDENT BEARDSLEY: Then, of course, if you keep the last one it is just as good as the first one.

CHAIRMAN LYON: When we were restocking our law library after the fire naturally we went after the first editions of those old Reports. I cannot say how complete our first editions are, but if we can get a first edition of Wendell we naturally would not be satisfied with a reprint.

MR. JAMES: I wonder, Mr. President, whether there aren't changes. I know that is true in certain English Reports. Marginal notes that were published in the first edition have gotten into the text of opinions in the later editions, and then the later edition has been cited with this non-judicial utterance, etc. Quite serious difficulty has arisen until some of those cases have been found out. I know that Mr. Pound was very much interested in running down a situation something like that with regard to some of the English Reports, with very interesting results to the particular problem he had in hand.

I do not know whether that is true in regard to the others, but certainly we would not discard and would endeavor to obtain any edition they have. We would not discard any edition. It depends somewhat, I suppose, on what the purpose of the library is. I regard the Harvard Law School Library as having certain very definite interests of its own. I mean, apart from the interest of its users, I think its interest lies in bibliography. Somebody ought to have all of these reports. Considerations of space and other things are involved, of course, that change your approach to these problems; but certainly, if you have space for them, I would not discard a single thing.

PRESIDENT BEARDSLEY: That is my feeling about it, Professor James, and I am very glad to get your opinion.

MR. JOHNSTON: Our practice is to keep everything; first, because we have it; second, up to date because we have room for it; in the third place, as an illustration, you find on a certain page in an Illinois Report a citation from a New York Report. Some day someone reading this 133d Illinois wants to read

the Report; he asks the page to get it, and he gets it. If you tell him, "We haven't got it," it's too bad! My definition of a good library is a library that has a book when you want it, whether it is once a week or once in five or ten years.

I might say that Dr. James has helped me once or twice in the last six months. He had it, and made photostats of it for me at a very nominal figure, and it gave my member of the Chicago Law Institute the material he wanted in just three or four days.

We never throw away early editions of textbooks. If we have five editions or ten editions or fifteen editions, we keep them.

CHAIRMAN LYON: Speaking of these New York Reports and various editions and reprints, I frankly never made a comparison and cannot tell you about the relative merits of the different editions. Can you, Mr. Morse?

MR. MORSE: I do not know. I was wondering if there was any book that discloses the number of different editions. That has never been brought to my attention.

PRESIDENT BEARDSLEY: I refer to Soule and to Wallace.

MR. MORSE: Do they take care of every edition?

PRESIDENT BEARDSLEY: That is merely an assumption on my part.

MR. HILL: I do not believe that is true, especially with Soule. I might add that the decisions in those early Reports are probably far superior to our later commercial law decisions. I think perhaps some day a study will be made of the development of commercial law out of these early Reports.

MR. DRUKER: I would like to ask about the New York State Reporter. It is not in Mr. Hicks' check list. Probably for that reason it was taken to the attic in our library. About six months ago we had a citation to it and could not find it down below and found it later in the attic. Are those cases in a class by themselves or are they duplicated in some other Report?

CHAIRMAN LYON: I understand they are duplicated, but we have to keep them on the shelves.

MR. DRUKER: I wonder why they were not in that check list.

CHAIRMAN LYON: I think they should have been there.

MISS LATHROP: We just bought a set.

MISS FORGEUS: Didn't practically all of that material appear in other places?

CHAIRMAN LYON: The New York Supplement covers it.

MR. DRUKER: The citation came from Corpus Juris and just gave that one citation, and we could not find it cited anywhere else in any of the Digests.

CHAIRMAN LYON: That seems to be the last of the written questions that were to be submitted. If anyone has a question in mind to be presented from the floor, now is the time.

MR. DUE: I would like to get the feeling of this assembly on the question of putting the date as well as the edition number on the back of the binding of textbooks, because the edition doesn't mean a thing. It might be the tenth edition and still be 1890.

CHAIRMAN LYON: When we rebind a book now we put the date of the edition on the back.

MR. JAMES: Another thing I would like to get the publishers to do is to stop advertising old books as new books. A circular will come in bearing all the earmarks of advertising something that is quite new. I have to waste the time of somebody to check, and perhaps I order it. It comes in and we find it is the same thing we have had—I will not say for ten years, but certainly for five years in some instances. Why can't advertising matter give the date of the publication and then it will save us a lot of trouble?

CHAIRMAN LYON: I am very glad you have brought up that point, Mr. James, because I have been tripped up more than once over that, and it is very embarrassing to have the publisher from whom you order tell you that you already have the book in your library. You may have ordered it five or six years ago, and not being able to keep everything in mind, along comes a perfectly new folder, with no date whatsoever, no indication of what edition it is, and you think it is something new and order it.

That brings up also the question of advertising. A work comes out in two volumes and you buy the two volumes, and the second volume may be confined to some particular subject. Several months afterward along comes a notice from the book publisher which really refers to the second volume but the notice is formed as if the book were something entirely new—you not knowing at all that it is the second volume of the work you already have. I was tripped up on that not long ago.

I do not think it is quite fair, frankly, to issue these—I call them—misleading advertisements. I think all the advertisements should be very specific and give us the date and the edition and save the law library from embarrassment. I do not like to have the publisher tell me I do not know what I am talking about and that I have already ordered the book.

MR. JAMES: There is another practice, not so common among law publishers although it does appear. That is to publish a reprint with a new date. If you are going to issue a reprint, put on it something or other which will indicate that it is a mere reprint. That has been done in Germany. If it is a mere reprint, you find very frequently, if not generally, *Unveränderte Ausgabe*, unchanged edition or *Unveränderte Neue Abdruck*, unchanged reprint and you know what you are getting. You do not have all the expense and trouble of correspondence and the checking of books and that sort of thing. That does not happen frequently with regard to law publishers, but I have found it in other fields and it is a very annoying practice.

MR. DRUKER: With regard to the ordering of duplicate books when you already have one: that happened about three times to me and then I instructed my secretary never to write a letter ordering a book unless she referred to our catalog. She has stopped a lot of orders. All of our past orders are filed alphabetically.

MR. JOHNSTON: Send them back and let the other end pay the postage and it will not happen very often.

MR. DRUKER: It takes time even to wrap them.

MR. DUE: Couldn't we go on record as protesting against the continuance of these practices?

MR. JOHNSTON: It will be perfectly all right, Mr. Due, if you will frame the resolution. What is the nature of the resolution you have in mind?

MR. DUE: I move that this group go on record as protesting against the further practice of putting the old books on new lists without indication of the date of publication.

MR. JOHNSTON: Not only should the date of the issue of the old book be on the advertisement but the advertisement itself should bear a date. No one likes to receive a letter that is undated, and I personally do not like to see an advertisement that is undated.

I second that motion.

[There being no discussion, the motion was voted upon and carried.]

CHAIRMAN LYON: Are there any further questions or criticisms?

MR. POOLE: In the earlier part of this meeting I believe it was you who made the statement that the State Library was a depository library and, therefore, got all these Congressional Hearings. Is that correct?

CHAIRMAN LYON: I have always understood so. I do not get any myself in my library, but the State Library as such is designated as one of the depository libraries. I do not think we get the Congressional Hearings. I was referring to the Documents. I think you have to write for Congressional Hearings.

MR. DRUKER: They come to depositories.

MISS MOYLAN: I think they are now included in depositories. It wasn't so until about a year ago.

CHAIRMAN LYON: Another thing in this connection, in the Legislative Library they are often asked for federal bills. We do not pretend to handle those. Do other libraries get those in a mass?

MR. JOHNSTON: You get them in the Congressional Record every week, don't you?

MR. DRUKER: The depository libraries get the public bills enacted but not as introduced.

PRESIDENT BEARDSLEY: I think there are several libraries that do receive the federal bills as introduced, but I understand they run into a tremendous amount of space and quantity and the practice is not generally followed.

CHAIRMAN LYON: Are there any further questions? If not, it is getting rather late and I will turn this meeting back to the President.

[President Beardsley resumed the Chair.]

PRESIDENT BEARDSLEY: Thank you very much, Miss Lyon.

As Miss Lyon says, a session of this type is sometimes good for our souls because it gives us a chance to unburden our problems that we have worried about, or wondered about at least, in the weeks or months that have gone by.

I think we have now a little unfinished business that ought to be taken care of.

SECRETARY NEWMAN: Mr. President, at the mid-winter meeting of the Executive Committee it was unanimously recommended that the application for a chapter in our association from the Carolina Law Library Association be approved by our Association. I, therefore, move that the Carolina Law Library Association be admitted as a chapter of the American Association of Law Libraries.

[The motion was seconded by Mr. Johnston and, there being no discussion, was voted upon and carried.]

SECRETARY NEWMAN: At that same meeting, the Executive Committee also recommended that Mr. Archibald MacLeish, the Librarian of Congress, in Washington, D. C., be invited to join this Association as an honorary member. Mr. President, I move that we extend to Mr. MacLeish an invitation to join this Association as an honorary member.

[The motion was seconded by Mr. Due.]

[The motion was voted upon and carried.]

[Miss Lathrop placed on file for the records the report of the A. L. A. Committee on Constitution and By-Laws, submitted by her as a member of that committee and to be appended to the Report of the Joint Committee on Cooperation with the American Library Association.]

APPENDIX TO REPORT OF THE JOINT COMMITTEE ON COOPERATION WITH THE AMERICAN LIBRARY ASSOCIATION*

There is set forth in the May, 1940, Bulletin of the American Library Association the Proposed Amendments to the A.L.A. Constitution and By-Laws. These changes were submitted to a vote of the Association at its Cincinnati conference, May 26 to June 1, 1940, and, with unimportant amendments, was unanimously adopted.

An A.L.A. Committee on Constitution and By-Laws consisting of six members, Mr. E. W. McDiarmid, Jr., Chairman, has worked steadily since the mid-winter meeting of the Association in Chicago, December 27 to 29. Each Committee member submitted a draft of his ideas of necessary changes. These were interchanged and comments invited. The whole Committee met in Chicago at the Drake Hotel, March 2 and 3, in company with the heads of A. L. A. and the entire draft was rewritten. This draft was then submitted to the critical inspection of fifty prominent A.L.A. members, and the resulting "tentative draft" was sent back to the Committee members for a very careful revision. The Proposed Amendments are the result of all this labor. To the Chairman of the Committee, Mr. McDiarmid, should go the highest praise for his unremitting endeavor, his attention to detail, his good judgment and his earnest effort to draw up a workable and worth while instrument.

*The Report of the Joint Committee on Cooperation with the American Library Association is printed at pages 109 to 111 of the May 1940 number of the LAW LIBRARY JOURNAL. Editor's note.

Article VI, Sec. 1, of the Constitution provides for membership in the Council and in subsection (d) mentions: Representatives selected by affiliated organizations. This section is new. Article X, Sec. 1, Constitution is unchanged from former Sec. 25, providing for affiliated organizations. There is no change in this section. By-Laws, Art. IV: Representation in Council, Sec. 3, provides: Each affiliated organization shall be entitled to one councilor. This is new as an entirely new Council is being set up. After an initial period councilors are to be elected or, in the case of affiliated organizations selected, for a term of four years. Divisions are also set up "to promote library service and librarianship within the field of its special interest and to cooperate in the promotion of general and joint enterprises with the Association and all other library groups." Art. VI, Sec. 1, (c) By-Laws: During the five years beginning with the date of the adoption of this section any separate association, whether or not affiliated with this Association, may organize as a division if 51 per cent of the members of such organization are members of this Association.

The above are the sections bearing especially on affiliation with the A.L.A. of kindred organizations, as organizations. Naturally individual members are welcomed by A.L.A. as formerly, and there is now an added inducement for membership in order that one's special library association may share in the divisional privileges of the larger Association. The A.L.A. Bulletin goes to all members of A.L.A. and single copies of this issue may be obtained from A.L.A. Headquarters, 520 N. Michigan Ave., Chicago, Illinois, for twenty-five cents. The new Constitution and By-Laws are well worth careful study by all of our members.

OLIVE C. LATHROP,
*Member, A.L.A. Committee on
Constitution and By-Laws.*

MR. VANCE: Mr. President, before the unfinished business is over, I have a series of invitations to our Association from various officials and organizations of Washington, D. C., to have the next annual meeting at Washington, D. C. Shall I present this matter at this time?

PRESIDENT BEARDSLEY: It is perfectly in order to submit the invitation that we meet in Washington next year, but the decision is one that will have to be referred to the Executive Committee. No action will be taken at this time.

We now will have the Report of the Auditing Committee from Mr. Laurie Riggs, Chairman.

REPORT OF THE AUDITING COMMITTEE

The Auditing Committee has made an audit of the books, examined all the vouchers, etc., and found the books intelligently, correctly and neatly kept. [Applause.]

PRESIDENT BEARDSLEY: Those are the kind of reports we like to get: short and snappy. I do not think it is necessary that we take any formal action upon the report.

The next report will be that of the Resolutions Committee.

REPORT OF THE RESOLUTIONS COMMITTEE

RESOLVED, that the American Association of Law Libraries in Convention assembled at its 35th Annual Meeting, in Toronto, Canada, hereby expresses its sincere thanks and appreciation to:

1. The Hon. R. S. Robertson, Chief Justice of Ontario, for his kindly words of welcome to Toronto.
2. George A. Johnston, Chief Librarian, Law Society of Upper Canada, for the interesting tour through his library in Osgoode Hall.
3. The Treasurer and the Benchers of the Law Society of Upper Canada for the delicious luncheon in Convocation Hall.
4. The Carswell Company, Ltd., for the sight-seeing bus trip through the Parliament grounds of Ontario, Toronto University, residential district and along the Lake Shore drive, ending at the wharf, where we enjoyed a boat trip to the island and a visit to the Royal Canadian Yacht Club, where a bountiful afternoon tea was served; and to Mr. Gordon N. Shaver, K. C., who made the Yacht Club visit possible.
5. The Carswell Company, Ltd., for a beautiful leather key case with our names stamped thereon in gold.
6. Charles Ray Brown, Vice-president and General Manager of The Carswell Company, Ltd., and Mrs. Brown, Robert Brown and Mrs. Robert Brown and Shelia Elizabeth Brown, small daughter, hosts and hostesses who made the social side of our visit a complete success.
7. The Canada Law Book Company for its hospitality and open house at all times.
8. Dennis & Co., Inc., Law Book publishers, for its souvenirs and hospitality; also to Mr. and Mrs. Fred O. Dennis for their genial courtesy and open house, where a social and restful time was enjoyed by all.
9. The Chicago Book Shop Bindery, Chicago—Mr. W. Arkin, Vice-president—for pencil souvenirs.
10. George T. Bisel Company, law publishers of Philadelphia, for clever pocket-knife souvenirs.
11. Mr. D. L. McCarthy, K. C., eminent lawyer of the Bar of Upper Canada, Treasurer of the Law Society of Upper Canada and President of the Canadian Bar Association, who spoke at the annual banquet on the subject of the legal profession and the Law Society of Upper Canada. He paid a special tribute to lawyers of the days of his early practice, replete with stories and reminiscences.
12. John T. Vance, Law Librarian of the Library of Congress for his old-

time southern songs accompanied by his guitar, rendered so heartily and happily, and to Miss Alice Magee for two beautiful Creole recitations.

13. Eldon R. James, Law Librarian of Harvard Law School of Cambridge, Massachusetts, Toastmaster of our annual banquet, for his splendid tribute to Canada and the United States, followed by wit and wisdom which delighted us all.
14. Commerce Clearing House, Inc., and Miss Dorothea Blender, assistant to President Justus Schlichting for the beautiful and useful booklet entitled "Association Service, Toronto, 1940," containing a list of names and addresses of members.
15. Charles Ray Brown, Vice-president and General Manager of the Carswell Company, Ltd., and George A. Johnston, Chief Librarian of the Law Society of Upper Canada, Osgoode Hall, Toronto, for their most capable work as Committee on Arrangements.
16. The Royal York Hotel, Toronto, and its representatives for their courteous treatment and service while in Toronto.

Respectfully submitted,

WM. S. JOHNSTON, *Chairman*

ADELINE J. CLARKE

CHRISTIAN N. DUE

CLARA KILBOURN

[It was voted, upon motion by Mr. Johnston, seconded by Mr. Druker, that the Report of the Resolutions Committee be adopted.]

PRESIDENT BEARDSLEY: Is there any other unfinished business before we proceed to the election of officers?

You heard the Report of the Nominating Committee day before yesterday, at which time it submitted the following list of names as candidates for officers for next year: President—Lewis Morse; President-elect—Sidney Hill; Executive Secretary and Treasurer—Helen Newman; Executive Committee—Arthur Beardsley, Alice Magee, Helen Ross, George A. Johnston. At this time I declare the nominations open for any further nominations.

MR. VANCE: Mr. President, I move that the nominations be closed and that the Secretary cast the unanimous ballot of this Association for the candidates as named in the report.

[The motion was seconded by Mr. Morrison and unanimously carried.]

SECRETARY NEWMAN: Mr. President, the ballot has been cast.

PRESIDENT BEARDSLEY: We now have a new set of officers. At this time I would like to have the new President and President-elect come forward and assume their respective places at the table. [Applause.]

Ladies and gentlemen: I present to you your new President, Lewis Morse . . . [Applause] . . . and your new President-elect, Sidney Hill . . . [Applause] . . . I think that concludes my official tour of duty and I will turn the meeting over now to our President. Congratulations!

PRESIDENT MORSE: I hope that we can carry on as successfully as has been done in the past under the leadership of Dr. Beardsley.

MISS MOYLAN: I would like to move the thanks of the Association for the work that Dr. Beardsley and the other officers have carried on so successfully this past year.

[The motion was seconded by Mr. Vance.]

MR. DUE: I would like to make that a standing vote. [Prolonged applause, the members rising.]

PRESIDENT MORSE: If there is no further business, I will declare our 1940 meeting adjourned.

[Adjournment at one o'clock p.m.]

ATTENDANCE REGISTER

Thirty-Fifth Annual Meeting of the American Association of Law Libraries

<i>Name</i>	<i>Address</i>	<i>City</i>
Allen, Viola	Dayton Law Library Association	Dayton, Ohio
Arkebauer, B. G.	Supreme Court Library	Springfield, Illinois
Arkebauer, Mrs. B. G.		Springfield, Illinois
Ashman, Jean	Indiana University Law Library	Bloomington, Illinois
Arkin, Lester W.	Book Shop Bindery	Chicago, Illinois
Baker, Miss E. I.	Law Society of Upper Canada	Toronto, Canada
Baxter, James C.	Philadelphia Bar Association	Philadelphia, Pennsylvania
Beardsley, Arthur S.	University of Washington Law Library	Seattle, Washington
Beardsley, Mrs. Arthur		Seattle, Washington
Beardsley, Wallace		Seattle, Washington
Blender, Dorothea	Commerce Clearing House, Inc.	Chicago, Illinois
Boardman, P. C.	Matthew Bender & Company	Albany, New York
Bowen, H. J.	New Haven County Law Library	New Haven, Connecticut
Boyd, Helen	Social Security Board Law Library	Washington, D. C.
Brown, C. R.	Carswell Company, Ltd.	Toronto, Canada
Brown, Mrs. C. R.		Toronto, Canada
Brown, Robert M.	Carswell Company, Ltd.	Toronto, Canada
Brown, Mrs. Robert M.		Toronto, Canada
Clarke, Adeline J.	Montana State Law Library	Helena, Montana
Coffey, Hobart R.	University of Michigan Law Library	Ann Arbor, Michigan
Conant, H. J.	Vermont State Library	Montpelier, Vermont
Cox, Eunice	Washington University Law Library	St. Louis, Missouri
Daniel, A. Mercer	Howard University Law Library	Washington, D. C.
Dansingberg, Paul	Minnesota State Library	St. Paul, Minnesota
Dansingberg, Mrs. Paul		St. Paul, Minnesota
Dennis, Fred O.	Dennis & Company, Inc.	Buffalo, New York
Dennis, Mrs. Fred O.		Buffalo, New York
Druker, B. Bernard	Iowa State Law Library	Des Moines, Iowa
Drummond, Forrest S.	University of Chicago Law Library	Chicago, Illinois

<i>Name</i>	<i>Address</i>	<i>City</i>
Due, Christian N.	Connecticut State Library	Hartford, Connecticut
Dwyer, Francis X.	Harvard Law School Library	Cambridge, Massachusetts
Elliott, Lucile	University of North Carolina Law Library	Chapel Hill, North Carolina
Forgeus, Elizabeth	Yale University Law Library	New Haven, Connecticut
Fuchs, Jacob S.	Association of the Bar of City of N. Y.	New York, New York
Gould, Marian	University of Utah Law Library	Salt Lake City, Utah
Hall, Margaret E.	Columbia University Law Library	New York, New York
Hargrave, Helen	University of Texas Law Library	Austin, Texas
Helmle, Helen S.	Equitable Life Assurance Society of the U. S. Law Library	New York, New York
Hern, Peter Q.	Association of the Bar of City of N. Y.	New York, N. Y.
Hill, Sidney B.	Association of the Bar of City of N. Y.	New York, N. Y.
Hill, Mrs. Sidney B.		New York, N. Y.
Houlton, Marcella	Creighton University Law Library	Omaha, Nebraska
James, Eldon R.	Harvard University Law Library	Cambridge, Massachusetts
James, Mrs. Eldon R.		Cambridge, Massachusetts
Johnston, George A.	Law Society of Upper Canada	Toronto, Canada
Johnston, Mrs. George		Toronto, Canada
Johnston, William S.	Chicago Law Institute Library	Chicago, Illinois
Kilbourn, Clara	University of California Law Library	Berkeley, California
Kolbe, William F.	Prentice-Hall, Inc.	New York, N. Y.
Lathrop, Olive C.	Detroit Bar Association Library	Detroit, Michigan
Levy, T. Aaron	Court of Appeals Library	Syracuse, N. Y.
Long, Bernita J.	University of Illinois Law Library	Urbana, Illinois
Lyon, Frances D.	New York State Law Library	Albany, N. Y.
MacDonald, Harrison	Boston University Law Library	Boston, Massachusetts
MacDonald, Mrs. Harrison		Boston, Massachusetts
McCarthy, D. L.	Treasurer, Law Society of Upper Canada	Toronto, Canada
McKavitt, Matthew A.	Department of Justice Library	Washington, D. C.
McLaurin, Lillian	Vanderbilt University Law Library	Nashville, Tennessee
Magee, Alice M.	Louisiana State Library	New Orleans, Louisiana
Maxwell, P. A.	The Carswell Company, Ltd.	Toronto, Canada
Maxwell, Mrs. P. A.		Toronto, Canada
Mercer, L. S.	West Publishing Company	St. Paul, Minnesota
Moreland, C. C.	Michigan State Law Library	East Lansing, Michigan
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